Seeing the System: Israel, Apartheid, Nationality Law, Civil Identity, and the Politics of Visibility in Gaza and Inside the State

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Modern regimes of unequal rights rarely announce themselves in the crude language of old South Africa. They survive through law, bureaucracy, security vocabulary, religious jurisdiction, identity documents, population registries, land rules, and managed visibility. Israel presents one of the most consequential contemporary cases because it combines democratic procedures, active courts, open argument, and international media access with a constitutional and administrative order that privileges Jewish nationality while fragmenting non-Jewish citizens and Palestinians into separate legal and political categories. This paper argues that visibility is central to understanding the system. Inside Israel, partial openness allows journalists, lawyers, dissidents, Palestinian citizens, NGOs, and courts to expose the distinction between citizenship and nationality, the absence of universal civil marriage, and the superior constitutional standing of Jewish national self-determination. In Gaza and the occupied territories, restricted visibility magnifies domination by limiting independent verification, narrowing the evidentiary record, and increasing impunity. The central claim is that apartheid in the modern age is not only a regime of separation, but a struggle over who is allowed to see, name, document, and challenge that separation.

Keywords: Israel apartheid, Israeli nationality, Israeli citizenship, Nation-State Law, Gaza press access, civil marriage Israel, population registry, Jewish nationality, Palestinian citizens of Israel, Israeli Arabs, Druze nationality, confessional identity, religious courts, visibility and impunity, occupation, human rights law, modern apartheid, South Africa comparison, press freedom, legal segregation.

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1. Introduction: Visibility as the First Threat to Apartheid

Modern apartheid does not need to resemble the crude racial machinery of twentieth-century South Africa in order to function as a system of unequal rights. The more sophisticated the system becomes, the less it depends on openly announcing hierarchy and the more it depends on administrative categories, constitutional wording, religious jurisdiction, land law, security language, and control over what outsiders are permitted to see. Separation can be made to appear technical. Domination can be described as security. Ethno-national preference can be presented as historical continuity. Civil inequality can be hidden inside registries, planning procedures, military orders, and personal-status rules that most foreign observers never read.

This paper begins from the proposition that visibility is not peripheral to apartheid. Visibility is one of the central battlefields on which apartheid is either normalized or exposed. A regime of unequal rights must do more than separate populations. It must also manage the interpretation of that separation. It must decide which facts are public, which categories are hidden, which journalists are admitted, which legal documents are translated, which human beings are named as citizens, nationals, residents, infiltrators, security threats, or demographic problems, and which witnesses are treated as credible.

Israel is a uniquely revealing case because it is neither a fully closed state nor a simple liberal democracy. Its political order includes elections, courts, lawyers, journalists, human rights organizations, dissident Jewish citizens, Palestinian citizens, and a large international press corps. At the same time, it maintains a legal and constitutional architecture in which Jewish nationality has privileged standing over non-Jewish citizenship, while Palestinians are fragmented across different legal zones: citizens inside Israel, residents of East Jerusalem, subjects of military occupation in the West Bank, besieged people in Gaza, and refugees outside the borders of the state. The result is not invisibility in the totalitarian sense. It is partial visibility combined with structured denial.

That partial visibility matters. It allows observers to see what would otherwise be buried: the distinction between citizenship and nationality, the refusal to recognize a common Israeli nationality, the constitutional elevation of Jewish national self-determination, the absence of universal civil marriage, the confessional administration of personal status, the role of population registries, and the dependence of legal hierarchy on categories that are often invisible to casual observers. It also reveals the limits of visibility, especially in Gaza, where independent access by foreign journalists has been restricted and where local Palestinian reporters have carried the burden of witnessing destruction under extreme conditions.

The central claim of this paper is that modern apartheid is not only a system of separation. It is also a system of managed perception. It survives by making inequality appear natural, legal,

defensive, historical, religious, demographic, or too complicated for outsiders to judge. Therefore, to see the system clearly is already to challenge it.

1.1. The difference between crude segregation and bureaucratic segregation

Crude segregation announces itself. It paints signs on doors, reserves buses, bans marriages across racial lines, assigns passbooks, orders people into townships, and tells the world that one group is destined to rule another. Old South Africa became infamous partly because its system was brutally legible. The hierarchy was not hidden inside an elaborate language of pluralism. It was openly racial, openly supremacist, and openly coercive. The categories were visible, the humiliations were daily, and the international public eventually understood that apartheid was not a series of isolated injustices but a whole political order.

Bureaucratic segregation is different. It may avoid the vocabulary of race while preserving the structure of hierarchy. It may grant formal citizenship to some members of the subordinated population while denying them equal national belonging. It may permit voting while controlling land, planning, marriage, immigration, and public symbolism through separate legal tracks. It may allow courts to hear petitions while ensuring that the constitutional structure remains intact. It may place the decisive categories not on a public sign but in a registry, a legal code, a zoning plan, a military order, or a statute written in the language of national purpose.

This distinction is essential to understanding the Israeli case. The system does not generally announce itself as one law for Jews and another law for Palestinians in the blunt manner of old South Africa. Instead, it disperses inequality across multiple domains. The categories shift depending on context: citizen, resident, national, religious community, security subject, absentee, present absentee, Arab, Druze, Jew, foreigner, infiltrator, protected person, enemy population, or demographic threat. Each category appears to solve a specific administrative problem. Taken together, they form a political architecture.

Bureaucratic segregation also produces confusion as a defensive resource. The outsider who asks whether all Israeli citizens can vote receives one answer. The outsider who asks whether all citizens share equal national ownership of the state receives another. The outsider who asks whether civil marriage exists encounters a different legal field. The outsider who asks about land allocation, family unification, military rule, or Gaza access is pushed into still more specialized domains. The system is not unknowable, but it is difficult to summarize without sounding as though one is exaggerating or collapsing distinctions.

That difficulty is part of the point. A regime that can force critics to spend most of their time explaining its categories has already gained a rhetorical advantage. The moral reality of inequality is slowed down by the technical labor required to describe it. Bureaucratic segregation does not eliminate domination; it makes domination harder to see quickly.

1.2. Why modern unequal-rights regimes depend on complexity

Modern unequal-rights regimes must operate in a world very different from the one in which older colonial systems and racial states emerged. Open racial supremacy now carries heavy reputational costs. States depend on diplomatic relationships, trade, military partnerships, academic legitimacy, foreign investment, media management, and participation in international institutions. They cannot easily declare permanent ethnic hierarchy as a governing principle without inviting broad condemnation. As a result, the language of domination changes.

The preferred vocabulary becomes security, identity, historical right, religious autonomy, counterterrorism, demographic balance, administrative necessity, and national self-determination. Each term can describe a legitimate concern in some context. Security is real. Collective identity is real. Historical trauma is real. Religious liberty is real. National self-determination is real. But these same concepts can also be used to rationalize unequal rights when one group's security becomes another group's confinement, one group's self-determination becomes another group's exclusion, and one group's historical claim becomes another group's dispossession.

Complexity helps such a regime survive because it fragments moral judgment. Instead of one visible wall of injustice, the observer encounters many small doors: personal-status law here, population registry there, land administration somewhere else, military rule in another place, citizenship restrictions in yet another. Each door has its own defenders, precedents, exceptions, and vocabulary. The cumulative structure may be oppressive, but each component can be defended as technical, historical, or temporary.

Complexity also creates plausible deniability. If critics say the system is apartheid, defenders can point to elections. If critics point to inequality inside Israel, defenders can point to Arab members of parliament, judges, doctors, students, and professionals. If critics point to occupation, defenders can invoke security. If critics point to Gaza, defenders can invoke Hamas. If critics point to the Nation-State Law, defenders can say many states have national identities. If critics point to marriage law, defenders can say religious communities administer their own traditions. Each defense addresses part of the system while avoiding the whole.

This is why the question is not whether there are isolated examples of inclusion. There are. The question is whether the legal and political order, taken as a whole, distributes power, land, movement, recognition, and national belonging equally. A modern unequal-rights regime can include members of the subordinated group in selected institutions while still preserving structural domination. Inclusion at the margins can even help legitimize hierarchy at the center.

The paper therefore treats complexity not as a reason to suspend judgment but as an object of analysis. The more complicated the system appears, the more important it becomes to ask what

the complexity accomplishes. Does it protect equality, or does it manage inequality? Does it create common citizenship, or does it prevent common citizenship from becoming common nationhood? Does it widen visibility, or does it bury domination beneath administrative detail?

1.3. Israel as a case study in visibility, legality, and denial

Israel is especially important because it exposes the paradox of partial openness. It is not a sealed dictatorship. It has legal argument, parliamentary conflict, critical journalism, civil society, court petitions, academic debate, and internal dissent. Palestinian citizens of Israel have used law, politics, media, and public advocacy to challenge discrimination. Jewish Israeli dissidents have also exposed state practices that many foreign supporters of Israel would prefer to ignore. Human rights organizations inside Israel and internationally have documented inequality across citizenship, occupation, land, movement, detention, and military force.

This visibility is not incidental. It is one reason the system can be studied with unusual precision. The legal materials exist. Court cases exist. official statements exist. Journalists, lawyers, scholars, activists, soldiers, former officials, and victims have spoken. The administrative architecture is not a rumor. It is available to those willing to read it.

Yet the same visibility also generates denial. Because Israel has visible democratic features, critics of the apartheid framework are able to argue that the charge is inherently false. They point to voting rights for Palestinian citizens of Israel, representation in parliament, participation in universities and professions, and the existence of courts. These facts are real and should not be erased. But they do not answer the deeper question: whether the state's constitutional identity, land regime, population categories, marriage system, immigration policy, and control over Palestinians produce equal political belonging.

The distinction between citizenship and nationality is central here. Citizenship can provide certain civil and political rights while nationality defines who the state is for. If the state belongs in a privileged constitutional sense to one transnational ethno-religious people, while non-Jewish citizens are citizens without equal ownership of the state's national project, then formal citizenship coexists with hierarchy. The issue is not only whether a Palestinian citizen can vote. It is whether that citizen belongs to the political nation on equal terms.

The same pattern appears in personal-status law. The absence of ordinary civil marriage is not merely an inconvenience for secular couples. It is part of a wider structure in which the state recognizes persons through confessional channels rather than through a fully equal civil identity. Marriage, divorce, conversion, burial, and family status become places where citizenship is mediated by religious classification. This reinforces the idea that the civic individual is not the basic unit of the state. The community category comes first.

Visibility, legality, and denial therefore operate together. The system is visible enough to be documented, legal enough to be defended, and complex enough to be denied.

1.4. The paper's central thesis

The thesis of this paper is that Israel's system of unequal rights cannot be understood only by asking whether it resembles old South Africa point by point. That comparison matters, but it is insufficient. The more important question is how a modern state can preserve ethno-national hierarchy while presenting itself as democratic, legalistic, pluralistic, and security-driven. The answer lies in the relationship between visibility and classification.

Inside Israel, the system is partly visible because courts, journalists, NGOs, dissidents, and Palestinian citizens can expose its categories. They can show that Israeli citizenship does not automatically create Israeli nationality. They can show that Jewish national self-determination has superior constitutional status. They can show that civil marriage is not universally available as a domestic institution. They can show that personal status is filtered through religious authority. They can show that Palestinian citizens may hold citizenship while remaining outside the dominant national identity of the state.

In Gaza and the occupied territories, the problem becomes more severe because visibility is narrower and coercion is more direct. Military control, movement restrictions, bombardment, siege, settlement, displacement, detention, and access restrictions cannot be fully understood when independent observation is limited. When foreign journalists are barred or tightly managed, local journalists become the primary witnesses. When those witnesses are killed, displaced, censored, or discredited, the evidentiary record itself becomes a battlefield.

The paper argues that visibility is the first threat to apartheid because apartheid depends on the successful management of perception. The system must persuade outsiders that inequality is either not real, not structural, not intentional, not racial or national, not comparable to apartheid, or not relevant because security overrides ordinary standards. Against this, visibility performs a political and moral function. It makes categories legible. It connects isolated injustices into a system. It prevents law from hiding domination. It allows victims to be seen as witnesses rather than abstractions.

To see the system is not yet to dismantle it. But no system of unequal rights can be seriously challenged until it is first made visible, named accurately, and understood as a structure rather than a series of accidents.

2. Old South Africa and the Lessons of Open Racial Rule

Old South Africa remains the unavoidable reference point in any discussion of apartheid because it gave the term its modern legal, political, and moral force. The word apartheid did not originally refer to every form of discrimination, segregation, domination, or colonial rule. It referred to a specific state project that classified human beings by race, assigned rights by race, controlled land by race, regulated movement by race, and organized political belonging around the permanent supremacy of one group over others. Its distinctive feature was not merely inequality, but the systematic conversion of inequality into law.

This is why comparisons to South Africa must be handled carefully. The point is not that every modern system of unequal rights must reproduce South Africa's institutions exactly. No two historical regimes are identical. The point is that South Africa revealed a general logic: a dominant group can preserve political control by classifying populations, separating them legally and spatially, assigning them different rights, and then rationalizing the arrangement as natural, necessary, historical, cultural, or protective. Once that logic is understood, apartheid becomes not only a South African memory but a wider analytic and legal category.

South Africa's version was unusually explicit. It did not merely produce inequality through informal prejudice or uneven economic development. It built a visible machinery of rule. Race appeared in identity documents, residence rights, marriage laws, voting laws, school systems, employment rules, public facilities, policing, and land ownership. Every part of life was touched by classification. The state did not hide the fact that whites were to rule and blacks, Coloureds, and Indians were to be subordinated. It claimed that separation was orderly, scientific, civilizational, and mutually beneficial. The world eventually learned to recognize these claims as ideological cover for domination.

The historical lesson is that apartheid was never only about signs, benches, buses, or separate entrances. Those were symbols of a deeper order. Apartheid was about the state's power to decide who belonged to the political community, who could move freely, who could own land, who could marry whom, who could vote, who could live in a city, who could be removed, who could be represented, and who would be treated as a permanent demographic danger. Its cruelty lay not only in direct violence, but in its bureaucratic ambition: it sought to make hierarchy normal, daily, and administratively complete.

That completeness eventually became one of South Africa's vulnerabilities. Because the system was so bluntly racial and so visibly codified, it became legible to the world. Outsiders could understand the basic structure without mastering endless legal subtleties. One group monopolized power. Other groups were classified, separated, confined, policed, exploited, and denied equal political belonging. The moral vocabulary became clear. Apartheid was not a

misunderstanding, not a temporary emergency, and not merely a collection of abuses. It was a regime.

Modern systems of unequal rights have learned from this history. They rarely copy South Africa's language. They often avoid formal racial vocabulary. They may preserve elections, courts, public relations campaigns, and limited inclusion of subordinated populations. They may distribute inequality across citizenship law, immigration law, religious law, land law, military law, and security policy. They may insist that every difference has a special explanation. The legacy of South Africa therefore creates a paradox: old apartheid became condemnable because it was visible, while newer forms of domination often survive by becoming harder to see.

2.1. Apartheid as explicit racial classification

The first principle of South African apartheid was classification. Human beings were not treated primarily as equal citizens but as members of state-defined racial groups. These categories were not passive descriptions. They were instruments of power. Once a person was classified, the classification helped determine where that person could live, work, travel, study, marry, vote, own property, and be represented. Race became a legal destiny.

This mattered because apartheid did not depend only on private prejudice. It converted prejudice into administration. The state did not merely tolerate discrimination by employers, landlords, schools, or local officials. It organized discrimination through statutes, bureaucracies, courts, police, and identity records. Classification was the gate through which the rest of the system operated. Without classification, the machinery of separation could not function.

The categories themselves carried an aura of false precision. The state claimed the ability to divide complex human populations into fixed racial boxes and then administer society accordingly. But the categories were never neutral. They were designed to preserve white rule. Their purpose was not to describe society honestly but to control it politically. The classification system gave racial hierarchy the appearance of administrative order.

This is one of the most important lessons for later comparisons. Apartheid begins when the state denies that one civic community exists and instead divides people into categories that carry different rights, different spaces, and different futures. The labels may be racial, ethnic, religious, national, tribal, demographic, or security-based. What matters is not only the wording of the categories but their function. Do they describe diversity within equal citizenship, or do they produce hierarchy beneath the language of order?

South Africa's categories were visible in everyday life. They appeared in documents, institutions, neighborhoods, schools, and police encounters. Everyone knew that classification mattered because the consequences were immediate and concrete. A wrong classification could alter

one's home, family, employment, and legal status. The person was subordinated to the category.

This visibility produced both terror and clarity. It terrorized those who lived under the system because the state's racial gaze followed them everywhere. But it also clarified the nature of the regime. The world did not need to guess whether race mattered. Race was the organizing principle of law.

The explicitness of South African apartheid also shaped the later politics of denial. After South Africa, few states wished to be seen as openly racial states. The language of racial classification became discredited. But the discrediting of racial vocabulary did not eliminate the temptation to preserve group supremacy through other vocabularies. Instead, it encouraged more sophisticated forms of classification. Where old apartheid said race, modern regimes may say nationality, religion, security status, residency, demographic balance, or ancestral right.

That shift does not automatically make every such system apartheid. But it does require analysts to look beyond words to structure. A state can avoid racial language while still constructing a hierarchy of belonging. The historical question becomes functional: what do the categories do?

2.2. Pass laws, homelands, citizenship stripping, and labor control

South African apartheid was not merely a system of attitudes. It was a system of movement control, territorial fragmentation, and political exclusion. Pass laws regulated the mobility of black South Africans and made presence in urban areas conditional, monitored, and punishable. The state treated ordinary movement as a privilege requiring authorization. This transformed daily life into a continuous encounter with police power.

Pass laws were central because they revealed the contradiction at the heart of apartheid. The South African economy depended on black labor, but the political system feared black presence. Black workers were needed in mines, factories, farms, and cities, yet they were not to become equal urban citizens. The pass system attempted to extract labor while limiting political belonging. It turned workers into temporary presences in places where their labor was permanent.

The homeland system extended this logic territorially. Instead of recognizing black South Africans as equal members of the national polity, the state assigned them to fragmented territories presented as ethnic homelands. These territories were used to deny the claim of a common citizenship. The state could say, in effect, that black South Africans had political homes elsewhere, even when those homes were impoverished, fragmented, coercively defined, and incapable of real sovereignty.

Citizenship stripping was one of apartheid's most extreme maneuvers. By assigning black South Africans to homelands, the state attempted to remove them from the political community of South Africa itself. This was domination disguised as self-determination. The language suggested ethnic autonomy. The reality was the preservation of white power within the economically valuable core of the country.

This is a crucial lesson. Apartheid does not always deny that subordinated people have some identity, leadership, administration, or local authority. On the contrary, it may invent or manipulate such structures in order to deny equal membership in the central state. Fragmented autonomy can become a tool of domination when the dominant power controls borders, resources, security, land, and recognition.

Labor control tied the system together. Apartheid required black labor but not black political equality. It therefore separated economic usefulness from civic membership. People could be allowed to work while being denied the right to belong. They could build the country without owning it politically. They could be physically present but legally temporary. They could be indispensable and excluded at the same time.

This structure has wider relevance because many unequal-rights regimes depend on similar contradictions. They may rely on a subordinated population's labor, land, taxes, markets, or strategic containment while refusing that population equal political standing. They may regulate movement through permits, checkpoints, residence categories, work authorizations, family restrictions, or security approvals. They may fragment territory so that the subordinated population appears administratively separate even while remaining controlled by the dominant power.

South Africa's pass laws and homelands were crude in their explicit racial logic. But their deeper function was more general: to separate control from responsibility. The dominant state controlled the subordinated population while denying that the population belonged to the same political community. That formula remains one of apartheid's central signatures.

2.3. Why old apartheid became globally legible

Old South African apartheid became globally legible because its structure was visible, codified, and morally unmistakable. The state did not merely produce unequal outcomes. It wrote inequality into law. It classified people by race, separated them spatially, restricted movement, denied equal representation, and defended the entire arrangement as a positive system. This made the regime unusually easy to identify, even for outsiders unfamiliar with every statute.

Global legibility developed over time. At first, many foreign governments tolerated or minimized apartheid because of economic interests, anti-communist alliances, racial attitudes, or strategic calculation. But the system's explicitness made denial increasingly difficult. Images of police

repression, forced removals, pass-law arrests, segregated facilities, political trials, and township uprisings circulated internationally. Exiles, activists, churches, unions, students, journalists, and liberation movements helped translate the local reality into a global moral issue.

The anti-apartheid movement succeeded partly because it connected scattered abuses into a single explanatory framework. A beating was not merely a beating. A pass arrest was not merely a technical violation. A forced removal was not merely a planning decision. A segregated school was not merely a local policy. Each was part of the same regime. The word apartheid made the system visible as a system.

This is why naming mattered. Before a system is named, its abuses can be treated as isolated excesses. After it is named, each abuse becomes evidence of structure. Naming does not eliminate the need for facts. Rather, it organizes facts into an intelligible pattern. Apartheid became a word that allowed the world to see what South African officials tried to normalize.

The old South African state damaged itself by being too explicit. Its racial language revealed the hierarchy it wanted to justify. Its laws showed that inequality was not accidental. Its identity documents, passbooks, group areas, and homelands gave critics concrete objects to analyze. The state could argue that separation was orderly or protective, but it could not plausibly deny that separation was the foundation of the system.

International media also played an important role. Foreign journalists, photographers, documentary filmmakers, and correspondents brought images and testimony to audiences far from South Africa. They did not create the struggle; South Africans themselves did that. But international visibility helped transform domestic oppression into a global legitimacy crisis. Once apartheid became visible as a whole order, states, corporations, universities, churches, and cultural institutions were pressured to choose a side.

The lesson for modern cases is obvious. A system that can be seen clearly can be challenged more effectively. A system that remains fragmented, technical, hidden, or inaccessible is harder to confront. Visibility does not guarantee justice, but invisibility protects injustice. South Africa's apartheid state lost control of the narrative because the world eventually saw enough to understand the whole.

2.4. The reputational failure of blunt racial supremacy

South Africa's apartheid regime ultimately suffered a reputational collapse because blunt racial supremacy became indefensible in the modern international order. The system survived for decades through violence, censorship, propaganda, economic power, foreign alliances, and internal repression. Yet its moral position deteriorated steadily. The more visible apartheid became, the harder it was for foreign governments, corporations, universities, artists, athletes, and churches to maintain ordinary relations without appearing complicit.

The reputational failure was not caused only by moral awakening. It was also caused by contradiction. South Africa claimed to be civilized, lawful, Christian, anti-communist, orderly, and modern. But the world increasingly saw a state that imprisoned dissidents, banned organizations, censored speech, divided families, uprooted communities, and denied the majority political rights on racial grounds. The gap between self-presentation and reality became too large to manage.

This reputational crisis produced practical consequences. Boycotts, divestment campaigns, sanctions, cultural isolation, sports bans, academic pressure, and diplomatic condemnation helped increase the cost of maintaining apartheid. These pressures did not act alone. Internal resistance, labor struggle, township organizing, armed resistance, international solidarity, and changing geopolitical conditions were all crucial. But reputational collapse helped turn apartheid from a domestic system into an international liability.

The most important lesson is that legitimacy matters. A state can possess weapons, courts, borders, allies, and wealth, but if its governing principle becomes globally understood as supremacist, its freedom of action narrows. Apartheid South Africa did not fall simply because outsiders disapproved. It fell because internal resistance and external delegitimation reinforced each other. Visibility gave resistance a global language.

After South Africa, blunt racial supremacy became a warning sign to other states. The lesson learned by modern regimes was not necessarily that group domination must end. In some cases, the lesson was that domination must be linguistically and administratively modernized. Racial hierarchy would need to be reframed as security policy, migration control, religious autonomy, national preservation, counterterrorism, or demographic management. The crude vocabulary of supremacy had failed. More complex vocabularies would be required.

This is why the South African comparison remains powerful but also limited. If one expects every apartheid-like system to reproduce South Africa's exact racial signs, one will miss newer forms of legal hierarchy. The historical uniqueness of South Africa can become a shield for other systems if comparison is reduced to surface resemblance. The question should not be whether a contemporary state has copied every South African law. The question should be whether it has created a durable structure of domination by one group over another through law, territory, movement control, political exclusion, and unequal belonging.

Old South Africa teaches that apartheid is easiest to condemn when it is blunt. The harder task is recognizing systems that learned not to be blunt. Modern apartheid, if it exists, is likely to be more legalistic, more security-conscious, more media-aware, and more rhetorically sophisticated. It may allow partial visibility while concealing the whole. It may permit limited

participation while preserving ultimate hierarchy. It may avoid the old language of race while reproducing the old logic of separation.

The reputational failure of South Africa therefore did not end the problem. It changed the methods by which unequal-rights regimes seek to survive. The struggle moved from exposing visible racism to exposing legal architectures that make supremacy appear normal, defensive, historical, or too complicated to judge.

3. Israel's Different Model: Citizenship Without Equal National Belonging

Israel's system cannot be understood if citizenship and national belonging are treated as identical. In many modern states, citizenship is presumed to be the primary legal expression of membership in the political community. Citizens may have different religions, ethnic backgrounds, languages, and ancestral identities, but the civic category is expected to stand above those differences. One may be Catholic, Protestant, Muslim, Jewish, atheist, Kurdish, Armenian, Arab, Irish, Mexican, or Polish by heritage or belief, while still belonging equally to the political nation of the state. The civic nation does not erase cultural difference, but it provides the common legal roof under which difference is supposed to exist.

Israel operates differently. It recognizes Israeli citizenship, but it has resisted recognition of a common Israeli nationality that would place Jewish and non-Jewish citizens within one equal national body. This distinction is not a minor semantic curiosity. It reaches into the deepest question of what the state is, whom it is for, and who may claim equal ownership of it. The state can say that its non-Jewish citizens are citizens, while also maintaining that the nation whose self-determination the state exists to realize is the Jewish people. The result is a structure in which citizenship exists, but national belonging is not equally shared.

This distinction is especially important because Israel defines Jewish nationality in a transnational sense. The state is not merely the state of its Israeli citizens who happen to be Jewish. It is constitutionally and ideologically presented as the nation-state of the Jewish people, including Jews who live outside Israel and may never become Israeli citizens. At the same time, Palestinian citizens of Israel, whose families may have lived on the land for generations, are not treated as equal members of that national peoplehood. They are citizens of the state but not co-owners of the state's national identity.

This produces a distinctive form of hierarchy. The Palestinian citizen may vote, study, work, pay taxes, hold office, argue in court, and participate in parts of public life. These facts matter and should not be dismissed. But the same citizen remains outside the privileged national identity around which the state organizes its symbols, immigration policy, constitutional mission, and

collective self-understanding. The inequality is therefore not only a matter of individual rights. It is a matter of collective belonging.

This is why the phrase “citizenship without equal national belonging” is central. It describes a political condition in which a person may possess a passport but not equal membership in the nation for which the state claims to exist. Such a system can appear democratic at one level and hierarchical at another. The ballot box exists, but the constitutional imagination is not shared. The individual citizen is recognized, but the collective people to which that citizen belongs is subordinated, renamed, fragmented, or excluded.

The Israeli model therefore differs from old South Africa, but the difference is not necessarily exculpatory. South Africa made racial hierarchy explicit and denied most of the subordinated population meaningful citizenship in the central state. Israel’s model is more complex. Some Palestinians are citizens, some are permanent residents, some live under occupation, some live under blockade, and many remain refugees outside the territory. The legal statuses differ, but the underlying question remains: does the governing order produce equal belonging, or does it preserve Jewish supremacy through differentiated categories?

The answer lies not in a single statute but in the cumulative architecture of law, identity, territory, and power.

3.1. Israeli citizenship versus Israeli nationality

The distinction between Israeli citizenship and Israeli nationality is one of the least understood features of the state. To outside observers, the two terms may appear interchangeable. If a person holds an Israeli passport and is a citizen of Israel, it seems natural to call that person Israeli by nationality. In ordinary international usage, this is how passports often work. But internally, Israel has historically distinguished between citizenship as a state membership category and nationality as a category of peoplehood.

This separation allows the state to maintain a civic surface and an ethno-national core. The civic surface says that Jews and non-Jews may both be Israeli citizens. The ethno-national core says that the state is the national home of the Jewish people, not the civic nation of all its citizens equally. In this arrangement, citizenship does not disappear, but it is demoted. It becomes a legal status that does not fully define the national purpose of the state.

The significance of this distinction becomes clear when one asks a simple question: who is the state for? In a civic republic, the answer is supposed to be all citizens. The state may have a majority culture, historical language, dominant religion, or inherited symbols, but its ultimate political subject is the citizenry as a whole. In Israel, the answer is different. The state is formally and symbolically organized around Jewish peoplehood. Non-Jewish citizens are included as

individuals to varying degrees, but they are not equally included in the national identity of the state.

This is not merely a philosophical issue. Nationality is tied to immigration, symbols, land, settlement, public memory, and constitutional legitimacy. The Law of Return gives Jews abroad a privileged path to immigration and citizenship because they are understood as members of the Jewish people for whom the state exists. Palestinian refugees whose families were displaced from the same land do not receive an equivalent right of return through a shared Israeli civic nationality. The distinction between citizenship and nationality therefore has material consequences.

It also shapes the status of Palestinian citizens. They are often described by the state as "Arab Israelis" or "Israeli Arabs," terms that emphasize their civic location inside Israel while softening or obscuring their Palestinian national identity. Many identify as Palestinian citizens of Israel, a phrase that carries the unresolved contradiction more honestly. They are citizens of a state that defines itself primarily through the national identity of another people.

The refusal to recognize a common Israeli nationality protects this arrangement. If all citizens were recognized as members of an Israeli nation, then Jewish and Palestinian citizens would stand inside the same national category. The state would be pressured to define itself as the nation-state of its citizens rather than as the nation-state of Jews worldwide. That shift would not erase Jewish history or culture, but it would alter the hierarchy of belonging. It would make it harder to justify a constitutional order in which one group possesses exclusive national self-determination.

This is why the issue is not semantic. The absence of a common Israeli nationality is a constitutional fact about the state's self-conception. It preserves a gap between being governed by the state and belonging equally to the nation of the state. For Jewish citizens, the two tend to align. For Palestinian citizens, they do not.

3.2. The refusal to recognize a common Israeli nationality

The refusal to recognize a common Israeli nationality reveals how seriously the state takes the distinction between civic membership and national peoplehood. The demand for Israeli nationality is not a demand to abolish cultural, religious, or ethnic identity. It is a demand for a shared civic-national category in which all citizens could belong equally. In a state committed to equal citizenship as the foundation of political identity, such a category would seem natural. In Israel, it has been treated as a threat to the Jewish character of the state.

The legal struggle over this issue exposed the underlying structure. Petitioners seeking recognition as members of an Israeli nation were not merely asking for a clerical correction. They were challenging the political logic of the state. Recognition of Israeli nationality would

imply that the state's nation is composed of its citizens, not of a transnational Jewish people standing above the citizenry. It would mean that Jewish citizens and Palestinian citizens share the same national status before the state, even if they retain different religions, cultures, languages, and histories.

The rejection of that claim preserved the existing hierarchy. The state continued to recognize citizenship as Israeli while maintaining nationality as something else: Jewish, Arab, Druze, or other categories depending on the registry and administrative context. This arrangement fragments the citizen body. It prevents the emergence of a single civic nation in law. It also makes the Palestinian citizen's status permanently ambiguous: included in the state, but not equally included in the nation.

The argument against Israeli nationality is often framed as necessary to preserve Israel as a Jewish state. That framing is revealing. It suggests that a common nationality of all citizens would dilute or contradict the state's Jewish national mission. In other words, equality at the level of nationality is perceived as a danger. The state can tolerate non-Jewish citizens so long as citizenship does not become the foundation of national ownership.

This distinction has a psychological and symbolic dimension as well. A state that refuses a common nationality tells its citizens that they do not all belong in the same way. It may provide rights, services, and political mechanisms, but it withholds equal recognition at the level of collective identity. The Palestinian citizen is not merely a minority citizen within a shared nation. He or she is a citizen whose national identity is structurally external to the state's defining national purpose.

The refusal also complicates international understanding. Outsiders see Israeli passports and assume that Israeli nationality functions like French nationality, Canadian nationality, or American nationality. They may not realize that internally the state distinguishes between citizenship and peoplehood in a way that preserves Jewish national privilege. This misunderstanding helps protect the system from scrutiny. It allows Israel to appear as a normal civic state in international settings while operating internally through categories that deny a common civic nation.

The demand for Israeli nationality therefore remains politically explosive because it asks whether the state belongs equally to all its citizens. The refusal to recognize that nationality answers the question in the negative.

3.3. Jewish nationality as transnational peoplehood

Jewish nationality in Israel is not limited to Israeli Jews. It is conceived as transnational peoplehood. This is one of the defining features of Zionism as a state project: the Jewish people, dispersed across the world through exile, persecution, migration, and history, are understood as

possessing a collective right to national self-determination in the land of Israel. The state is therefore not merely a state with a Jewish majority. It is the institutional expression of Jewish peoplehood.

This has deep historical roots. Jewish collective identity cannot be reduced to religion alone, ethnicity alone, culture alone, or modern nationality alone. It contains elements of all of these, shaped by ancient memory, religious tradition, diaspora life, persecution, language, law, and modern nationalist movements. Any serious analysis must acknowledge that Jewish peoplehood is not an invention without historical substance. The Jewish relationship to the land and to collective survival is real.

The problem arises when this transnational peoplehood is given exclusive constitutional priority inside a state that also governs non-Jewish citizens and millions of Palestinians who are not citizens. The state becomes responsible not only to its actual citizenry but to a global people defined by Jewish descent, identity, or conversion. A Jew in New York, Paris, London, Moscow, Buenos Aires, or Melbourne may be understood as belonging to the nation whose state Israel is, while a Palestinian citizen living in Nazareth, Haifa, Jaffa, Lydda, Rahat, or the Galilee does not belong to that national peoplehood on equal terms.

This inversion is central to the inequality. The Palestinian citizen is present, governed, taxed, regulated, and historically rooted in the land. The diaspora Jew may be absent, not governed by Israel, not subject to Israeli law, and not a citizen. Yet the state's national purpose is oriented toward the latter in a way it is not oriented toward the former. This does not mean that every Jewish person exercises power over every Palestinian citizen. It means that the constitutional imagination of the state privileges Jewish peoplehood over civic equality.

The Law of Return expresses this logic in practical form. Jews abroad receive a privileged route to immigration and citizenship because they are treated as members of the people for whom the state exists. Palestinians displaced in 1948 and their descendants are not recognized through an equivalent right based on their connection to the land. The asymmetry is not incidental. It is one of the clearest material expressions of the state's national hierarchy.

The same logic appears in public symbols. The flag, anthem, calendar, official memory, and national institutions overwhelmingly express Jewish history and aspiration. Majority cultures often shape state symbols, but in Israel the issue is sharpened by the absence of a common civic nationality. Non-Jewish citizens are asked to live inside symbols that do not fully include them, while being told that the state's national self-determination belongs exclusively to another people.

This is where defenders of Israel often invoke the legitimacy of Jewish self-determination. That argument deserves serious treatment. After centuries of persecution culminating in the

Holocaust, the Jewish demand for collective safety and political agency cannot be dismissed. But the legitimacy of Jewish self-determination does not automatically justify permanent inequality over Palestinians. The moral question is whether one people's self-determination can be built on another people's exclusion from equal national belonging.

A state can recognize Jewish history, protect Jewish life, and honor Jewish culture without denying equal civic nationhood to non-Jewish citizens. The refusal to do so is not required by memory. It is a political choice.

3.4. Palestinian citizens as citizens without equal ownership of the state

Palestinian citizens of Israel occupy one of the most revealing positions in the system. They are not foreigners. They are not merely residents. They are not outside the state. They are citizens. They vote in national elections, form parties, serve in parliament, attend universities, work in hospitals, argue before courts, and participate in public life. Any honest account must acknowledge these facts. They distinguish the condition of Palestinian citizens inside Israel from that of Palestinians in the occupied territories, Gaza, refugee camps, or exile.

Yet citizenship does not mean equal ownership of the state. Palestinian citizens live inside a state that defines itself as the nation-state of the Jewish people. Their language, memory, national identity, historical trauma, and collective claims do not stand at the center of the state's constitutional mission. The state may include them as individuals, but it does not define itself as equally theirs in the national sense. This is the core inequality.

The phrase "Israeli Arabs" is part of this structure. It identifies Palestinian citizens by language or broad ethnicity while often detaching them from Palestinian peoplehood. It can make them appear as a domestic minority unrelated to the wider Palestinian question. But many Palestinian citizens understand themselves as part of the Palestinian people, even while holding Israeli citizenship. Their identity exposes the contradiction: they are citizens of the state that emerged through the displacement and defeat of their people.

This contradiction shapes political life. Palestinian citizens are often expected to demonstrate loyalty to a state whose symbols and constitutional self-definition do not fully include them. Their commemoration of the Nakba is treated by many Jewish Israelis not as historical memory but as a threat. Their demand for equality is often heard as a challenge to the Jewish character of the state. Their political parties may participate in elections, but their national claims are frequently delegitimized as hostile, separatist, or disloyal.

The issue is therefore not only discrimination in budgets, policing, planning, education, or land. Those inequalities matter greatly, but they rest on a deeper foundation. The state does not imagine Palestinian citizens as equal partners in defining the national project. They may be

allowed representation within the system, but the system itself is not equally theirs. They are present in the state but not sovereign in its self-conception.

This condition creates a permanent double bind. If Palestinian citizens emphasize civic integration, they risk being asked to suppress Palestinian identity. If they emphasize Palestinian identity, they risk being accused of disloyalty. If they demand equality as citizens, they confront a constitutional order built around Jewish national priority. If they demand recognition as Palestinians, they confront a state narrative that prefers to rename them as Arabs and detach them from the broader history of dispossession.

The status of Druze citizens further illustrates the state's method of fragmentation. Druze have often been treated as a distinct category, separated from other Arabic-speaking communities and incorporated into the state in different ways, including military service for many Druze men. This separation has sometimes been presented as recognition of distinct identity, but it has also functioned as a strategy of divide and manage. By differentiating Druze from other Palestinian or Arab citizens, the state weakens the possibility of a unified non-Jewish civic challenge to Jewish national supremacy.

Palestinian citizens therefore reveal the limits of formal citizenship. They show that a state can provide ballots while withholding equal national belonging. They show that minority participation does not necessarily equal shared sovereignty. They show that apartheid in a modern legal order may not always appear as total exclusion from citizenship, but as citizenship emptied of equal ownership.

The question at the center of their condition is simple: can a Palestinian citizen say, without qualification, that the state belongs to them as much as it belongs to a Jewish citizen? Under the present constitutional and national structure, the answer is no. That answer is the foundation of the hierarchy.

4. The Population Registry and the Administrative Production of Difference

A modern state does not need to place hierarchy on a public sign in order to make hierarchy govern daily life. It can place hierarchy in a database. It can make the decisive category administrative rather than declarative, internal rather than theatrical, bureaucratic rather than ideological. The result is often more difficult to see than older systems of open segregation, but it can be just as powerful. A registry does not merely record society. It helps produce the society the state intends to govern.

Israel's population registry is central to this administrative production of difference. The registry does not simply identify individuals as citizens, residents, spouses, parents, children, or address-

holders. It also classifies them through categories of nationality, religion, and personal status that connect identity to law. These categories are not decorative. They help determine how the state understands the person, which institutions may govern family life, how collective identity is officially recognized, and how the state separates civic membership from national belonging.

The population registry matters precisely because it sits beneath more visible political debate. Foreign observers may know that Israel has elections, political parties, courts, passports, and citizens. They may not know that the state has historically refused to treat all citizens as members of one common Israeli nationality. They may not know that Jewish, Arab, Druze, and many other nationality classifications have operated within the administrative structure. They may not understand that the absence of a common nationality is not an accident of wording but part of the state's constitutional logic.

This is why the registry becomes politically charged. The question is not whether a state may collect demographic information. All modern states collect information. The question is what the categories do, how they are used, whether they reinforce equality or hierarchy, and whether the classified person can escape or revise the category in a way that challenges the state's preferred structure. In Israel, the registry has helped preserve the distinction between Israeli citizenship and Jewish national ownership of the state. It has allowed the state to say that all citizens may be Israeli citizens while denying that all citizens form one Israeli nation.

Administrative categories are especially powerful because they appear neutral. A clerk does not need to announce an ideology. A form does not need to explain a political theory. A database field does not need to defend itself in public language. Yet the field can carry enormous consequences. It can make some identities official and others impossible. It can transform political hierarchy into routine paperwork. It can divide people before they ever appear before a court, apply for a marriage license, request a registry extract, enroll a child, or encounter the state as a legal subject.

The population registry therefore functions as one of the quiet foundations of the Israeli system. It is less dramatic than a wall, checkpoint, bombing campaign, or settlement outpost, but it belongs to the same larger question: how does the state classify the people it governs, and how do those classifications sustain unequal belonging?

4.1. Nationality categories in the population registry

The nationality category is the key to understanding the registry's political importance. In ordinary international language, nationality often means citizenship. A person with an Israeli passport may be described abroad as Israeli. But inside Israel's administrative and legal tradition, nationality has meant something closer to peoplehood, ethnic-national affiliation, or

collective identity. Citizenship and nationality are separated. The citizen may be Israeli by citizenship but Jewish, Arab, Druze, or something else by nationality.

This separation has far-reaching implications. If citizenship were the supreme category, then all citizens would belong equally to the civic nation. The state would still contain Jewish, Muslim, Christian, Druze, secular, and other identities, but they would exist beneath a common national roof. The population registry would not become a tool for distinguishing between those whose nationality defines the state and those whose citizenship merely places them within it.

By separating citizenship from nationality, the registry preserves the central asymmetry. Jewish citizens are citizens whose registered nationality aligns with the state's national purpose. Palestinian citizens are citizens whose nationality does not. Druze citizens may be separated from broader Arab or Palestinian identity through a distinct classification. Other residents and citizens may be fitted into additional categories that solve administrative problems while keeping the core hierarchy intact. The system can absorb anomalies without surrendering its basic structure.

The importance of the category becomes clearest when citizens seek to be registered as Israeli by nationality. Such a demand asks the state to recognize the citizenry as the nation. It challenges the idea that the state belongs nationally to Jews as a people rather than equally to all citizens as a civic body. It also challenges the fragmentation of non-Jewish citizens into separate administrative identities. A common Israeli nationality would not require anyone to stop being Jewish, Palestinian, Arab, Druze, Muslim, Christian, or secular. It would require the state to recognize that these differences exist within a shared national citizenship.

The refusal to recognize such a common category reveals the function of the registry. The registry is not simply describing identities that naturally exist outside the state. It is enforcing the state's view of political belonging. It tells citizens which national categories are recognized and which are not. It allows Jewish nationality to carry state-defining significance while preventing Israeli nationality from becoming the equal civic identity of all citizens.

The nationality field therefore does more than record. It organizes. It sorts the population into categories that mirror the state's ideological structure. It makes Jewish peoplehood official, Palestinian or Arab identity administratively separate, Druze identity distinct, and common Israeli nationality unavailable. This is administrative power operating at the level of identity.

Such power can be easy to overlook because it does not always appear as direct coercion. The person may still vote, travel, pay taxes, attend school, or work. Yet the registry quietly determines the deeper symbolic order: whether the person belongs to the people whose state this is, or merely belongs to the state as a citizen of another registered people.

4.2. Jew, Arab, Druze, and the multiplication of exceptions

The main categories of Jewish, Arab, and Druze reveal the registry's political logic, but the system also contains many additional categories to handle cases that do not fit neatly into the primary scheme. These exceptions are important because they show how flexible bureaucracy can be when preserving a larger hierarchy. The state can classify anomalies without changing the structure that produces the anomaly.

Jewish nationality occupies the privileged position because it corresponds to the state's constitutional and ideological purpose. The state is not merely a state with many Jewish citizens. It is defined as the nation-state of the Jewish people. Jewish nationality therefore carries a meaning that exceeds private identity. It links the individual to the transnational peoplehood for which the state claims to exist.

Arab nationality, by contrast, has often functioned as a broad category for non-Jewish Arabic-speaking citizens, including many who understand themselves as Palestinian. This classification can blur Palestinian peoplehood by substituting a broader linguistic or ethnic term. The phrase "Arab" may describe language, culture, and regional identity, but in the Israeli context it can also soften the political fact that many of these citizens belong to the Palestinian people. The state's language turns a national conflict into a minority category.

Druze classification demonstrates another technique: separation through recognition. Druze citizens are often treated as a distinct community rather than simply as part of the wider Arab or Palestinian citizenry. This distinction may reflect genuine religious and communal identity, but it also serves state interests. By separating Druze from other Arabic-speaking citizens, the state weakens the formation of a unified non-Jewish national challenge. Recognition becomes a tool of fragmentation.

The multiplication of exceptions reveals the same pattern in a different way. A person may be classified as British, Burmese, Buddhist, Hebrew, or under other categories depending on administrative history, immigration status, declaration, or official decision. These categories may appear odd, inconsistent, or merely technical, but their existence helps the system manage complexity without recognizing Israeli nationality as the common category. The registry can tolerate many small boxes so long as it avoids the one box that would alter the state's national theory.

This is one of the most revealing features of bureaucratic hierarchy. The state may show great flexibility at the margins while remaining rigid at the center. It can invent, accept, or preserve many categories for unusual cases, mixed identities, immigrants, converts, residents, and historical anomalies. But it refuses the category that would create equal national belonging. Administrative diversity becomes a substitute for civic equality.

The result is a population map that looks pluralistic but functions hierarchically. There are many recognized identities, but they are not equal in political meaning. Jewish nationality corresponds to the state's national self-definition. Other categories correspond to communities governed by or within that state. The difference is not merely demographic. It is constitutional.

The multiplication of categories also makes the system harder to explain. Critics must describe a registry that does not simply divide people into two groups but into many categories with different histories and meanings. Defenders can then point to this complexity as evidence that the system is not a simple hierarchy. But complexity does not disprove hierarchy. It can be the way hierarchy survives in modern administrative form.

4.3. The removal of nationality from visible ID cards

The removal of the nationality field from visible identity cards is one of the most important examples of managed visibility. The category did not simply disappear from the administrative structure. Rather, it became less visible to the public and to casual inspection. This matters because a hidden category can continue to operate while attracting less scrutiny.

A visible identity-card category is politically risky. It makes classification concrete. It allows journalists, activists, lawyers, and foreign observers to point to the card and say: here is the state dividing citizens by nationality. It gives the system a tangible form. In older segregation systems, documents often exposed the architecture of hierarchy because the state needed people to carry proof of classification. Such documents became symbols of domination.

Removing the field from the card changes the optics. The citizen no longer sees the category every time the card is used. The foreign observer no longer sees a simple visual proof of classification. The state can present its identity card as a standard modern document while the registry continues to preserve the underlying categories. The classification becomes less performative but not necessarily less real.

This is a sophisticated form of adaptation. The state does not need to abandon a controversial category if it can move that category out of sight. The visible document becomes more neutral, while the database remains structured by difference. The politics of classification shifts from the surface to the backend. In technological terms, the interface changes while the architecture remains.

This shift has rhetorical consequences. If critics say citizens are classified by nationality, defenders can respond that the ID card no longer displays such a field. The public-facing document becomes evidence of modernization. But the deeper question is whether the state still maintains and uses the classification internally. If the category remains in the registry, then removal from the card is not abolition. It is concealment, minimization, or reputational management.

The distinction between visibility and existence is therefore crucial. A category can be invisible and still powerful. A law can be obscure and still decisive. A database field can be hidden from daily view and still shape the state's understanding of the person. Modern bureaucratic systems often operate precisely in this way. The most important classifications are not always the ones printed most prominently.

The removal of the nationality field also reflects the pressure produced by criticism. States change visible forms when those forms become damaging. This does not always mean that underlying inequality has been corrected. Sometimes it means that inequality has been visually redesigned. A hierarchy that once appeared on a document may be moved into a registry extract, an internal file, a legal status, or an administrative code.

This is why the population registry must be analyzed even when the identity card appears neutral. The question is not what the card alone displays. The question is what the state records, recognizes, and refuses to recognize.

4.4. Hidden categories and public deniability

Hidden categories are politically useful because they allow a state to preserve classification while denying that classification defines the public order. The category remains available to officials, courts, clerks, ministries, and legal processes, but it is less visible to citizens and outsiders. This creates a structure of public deniability. The state can say that all citizens carry the same identity card, vote in the same elections, or hold the same citizenship, while less visible categories continue to mark unequal belonging.

Public deniability does not require that everything be secret. In many cases, the information is publicly discoverable by those who know where to look. Lawyers can find it. Scholars can analyze it. Journalists can report it. Activists can challenge it. But discoverability is not the same as visibility. A system may be formally open yet practically obscure. If the decisive facts require specialized knowledge, persistence, language access, legal training, and archival work, then the average observer will not see them.

This is a major advantage for modern unequal-rights regimes. They do not need to hide every fact. They only need to make the system difficult enough that public attention moves elsewhere. A bombing is visible. A checkpoint is visible. A demolished home is visible. A registry category is less visible. Yet the registry category may help explain why some people are treated as full members of the national project and others are treated as demographic, religious, or administrative problems.

Hidden categories also fragment accountability. If a discriminatory outcome occurs, officials can attribute it to many separate legal domains: religion, nationality, residency, security, zoning, family law, immigration, emergency regulations, or military administration. No single category

appears to bear the whole burden. The system disperses responsibility. Each official handles a narrow file. The hierarchy survives through accumulation.

This is why administrative domination often appears less violent than direct coercion while enabling coercion over time. A registry category may not look like force, but it can shape who may marry, immigrate, return, reside, build, inherit, register children, or claim recognition. It defines the person before the person acts. It tells the state what kind of human being it is dealing with.

In Israel's case, hidden categories support the broader distinction between citizenship and equal national belonging. The state can present citizenship as evidence of democracy while preserving nationality as evidence of Jewish statehood. It can claim that Palestinian citizens have rights while denying that they share equal ownership of the state's national identity. It can display civic inclusion internationally while maintaining ethno-national hierarchy internally.

The danger of hidden categories is not only that outsiders fail to understand them. The deeper danger is that citizens themselves may be forced to live within classifications they did not choose and cannot convert into equality. A Palestinian citizen may be told that citizenship is enough. But the registry, the constitutional structure, the land regime, and the symbols of the state all say that citizenship is not the same as belonging to the nation whose state this is.

This is the administrative production of difference. It is not spectacular. It does not always announce itself. It may be buried in forms, databases, extracts, legal opinions, and ministry procedures. But it helps determine the architecture of political life. Where old apartheid made difference visible on the surface, modern systems can move difference into the administrative interior. The challenge for critics is to make that interior visible again.

5. The Nation-State Law and Constitutional Hierarchy

The Nation-State Law crystallizes the distinction between citizenship and national belonging. It did not create every inequality in Israel's legal and political order, but it gave constitutional expression to a hierarchy that had long existed in practice. Its importance lies in the clarity with which it states the organizing principle of the state: Israel is the nation-state of the Jewish people, and the right of national self-determination in the state is unique to that people. This formulation is not merely symbolic. It defines the state's constitutional imagination.

A constitution does more than distribute institutional powers. It tells citizens what kind of political community they inhabit. It identifies the sovereign people, the source of legitimacy, the language of belonging, and the values the state is obligated to protect. When a constitutional law says that national self-determination belongs exclusively to one people, it draws a line

between those who are members of that people and those who are not. Those outside the privileged people may still possess citizenship, but their citizenship does not carry the same national meaning.

This is the core of the hierarchy. Palestinian citizens of Israel are not excluded from every civil or political institution. They may vote, organize, litigate, work, study, and participate in many areas of public life. But the constitutional identity of the state does not name them as equal members of the national sovereign. The state belongs nationally to the Jewish people. Non-Jewish citizens are present within it, protected by some rights, governed by its laws, and sometimes represented in its institutions, but they are not equal co-authors of its national purpose.

The Nation-State Law therefore operates as a bridge between the administrative and the ideological. The population registry separates citizenship from nationality. Personal-status law separates citizens by religious community. Land and planning institutions distribute belonging materially across space. The Nation-State Law gives the whole structure a constitutional vocabulary. It elevates Jewish peoplehood from a social and historical claim into the organizing principle of the state.

Defenders of the law often argue that it merely states the obvious: Israel was founded as a Jewish state, many countries have national symbols, and Jewish self-determination deserves constitutional protection. These claims cannot be dismissed lightly. Jewish history, exile, persecution, and the Holocaust give the demand for collective safety and political self-determination deep moral weight. But the question is not whether Jewish collective life deserves protection. The question is whether that protection must be framed as exclusive national superiority within a state that also contains non-Jewish citizens and governs millions of Palestinians without equal rights.

A state may honor a majority culture without denying equal civic nationhood. It may preserve a historical language, calendar, symbols, and institutions while also declaring that sovereignty belongs equally to all citizens. The decisive issue is whether the constitutional order creates a common political people or ranks communities by their relationship to the state's national mission. The Nation-State Law answers that question by placing Jewish national self-determination above any shared civic identity.

This is why the law became so controversial. It made explicit what had often been defended as implicit, historical, or merely symbolic. It transformed a long-standing political structure into constitutional text. In doing so, it reduced the state's room for denial. Critics could point to the law and argue that inequality was not an accidental failure to implement democracy, but part of the state's self-definition.

5.1. Israel as the nation-state of the Jewish people

The declaration that Israel is the nation-state of the Jewish people is the central sentence around which the entire constitutional hierarchy turns. On its surface, the phrase may sound like a standard statement of national identity. Many states associate themselves with a historical people, language, culture, or founding tradition. But in Israel's context, the phrase carries a distinctive meaning because the Jewish people are not identical with the body of Israeli citizens.

This distinction matters. If the state were described as the state of the Israeli people, all citizens could at least theoretically be included in that national category. If the state were described as the democratic state of all its citizens with a Jewish cultural heritage, the hierarchy would be softened by a shared civic foundation. But when the state is defined as the nation-state of the Jewish people, the national subject extends beyond the citizenry to Jews worldwide and excludes non-Jewish citizens from equal membership in the state's defining peoplehood.

This does not mean that every Jew worldwide controls the state or that every Jewish citizen holds equal power within Israel. Jewish society itself is divided by class, religious observance, ethnicity, political ideology, migration history, and relations between Ashkenazi, Mizrahi, Sephardi, Ethiopian, Russian-speaking, ultra-Orthodox, secular, and other communities. The law does not erase these internal divisions. But it does establish that the state's national project is Jewish in a way that it is not Palestinian, Arab, Muslim, Christian, Druze, or civic Israeli.

The phrase also reorganizes the meaning of citizenship. Citizenship becomes a legal status inside a state whose national mission belongs to a different category. Jewish citizens experience citizenship and nationality as mutually reinforcing. The Jewish citizen is both a citizen of Israel and a member of the people whose nation-state Israel claims to be. The Palestinian citizen experiences a gap. He or she may be a citizen of Israel, but the state's national definition points elsewhere.

This gap is not merely emotional. It influences immigration, land, public symbols, education, language, and the legitimacy of political demands. A Jewish person abroad can be imagined as returning to the national home even without prior citizenship. A Palestinian refugee whose family was displaced may be treated as a demographic or security problem rather than as a member of the civic nation with a claim to return. The distinction between Jewish peoplehood and Israeli citizenship thus shapes the state's orientation toward both those inside and those outside its borders.

The phrase "nation-state of the Jewish people" also affects how dissent is framed. When Palestinian citizens demand that the state become a state of all its citizens, they are not simply asking for administrative reform. They are challenging the constitutional identity of the state.

Their demand can therefore be portrayed as a threat to the Jewish state itself. Equality becomes suspect because it appears to require a transformation of the state's national character.

This is one of the central mechanisms by which hierarchy protects itself. A demand for equal belonging is recoded as an attack on the state. The minority citizen who asks to be fully included is treated as if he or she seeks to erase the majority. The question shifts from whether the state can belong equally to all citizens to whether Jewish national existence is under threat. This shift places Palestinian citizens in a defensive position before the argument has even begun.

The constitutional phrase therefore does significant political work. It names the people of the state in a way that does not include all citizens equally. It links the state to a global Jewish nation while denying common Israeli nationality. It makes Jewish national continuity the state's constitutional purpose. It transforms Palestinian equality from a democratic demand into a challenge to the state's identity.

5.2. Exclusive national self-determination

The most consequential element of the Nation-State Law is the claim that the right of national self-determination in Israel is exclusive to the Jewish people. Exclusivity is the decisive word. A state may recognize Jewish self-determination while also recognizing equal civic self-determination for all citizens. A state may protect Jewish collective life while also affirming that all citizens share sovereignty. But exclusivity means that national self-determination is not shared.

This creates a hierarchy at the level of constitutional identity. Non-Jewish citizens may possess individual rights, but they do not possess equal collective national rights within the state. They may participate politically, but the national purpose of the state is already assigned. They may seek equality in services, budgets, and representation, but they cannot claim equal authorship of the national project without challenging the law's basic premise.

The distinction between individual rights and collective self-determination is crucial. Liberal democracies often protect individuals from discrimination while also recognizing that political sovereignty belongs to the people as a whole. In Israel, the Nation-State Law separates these layers. It leaves room for arguments about individual equality while reserving collective national self-determination for Jews. This allows defenders to say that non-Jewish citizens have rights while avoiding the question of whether they share sovereignty on equal terms.

Such a structure produces second-order citizenship. The Palestinian citizen may vote in elections but not belong to the national people whose self-determination the state constitutionalizes. He or she may argue for better funding, better policing, better infrastructure, and protection from discrimination, but the state's national purpose remains outside Palestinian collective identity.

The citizen is included in the procedures of the state but excluded from equal ownership of the state's mission.

Exclusive self-determination also affects historical memory. Jewish history is treated as the history that gives the state its national meaning. Palestinian history, including dispossession, displacement, military rule, land loss, and ongoing inequality, cannot occupy the same constitutional status. It appears as minority memory, hostile memory, or a problem to be managed. The state's official story has room for Palestinian citizens as individuals, but not for Palestinian peoplehood as an equal source of national legitimacy.

This is why the law does not merely express identity. It ranks identities. Jewish peoplehood is constitutional. Palestinian peoplehood is political, contested, and often treated as threatening. Jewish return is national restoration. Palestinian return is demographic danger. Jewish settlement may be valorized as national development. Palestinian presence may be treated through planning restrictions, security suspicion, or minority administration.

The exclusivity clause also shapes the boundaries of acceptable politics. A Jewish party that seeks to strengthen Jewish national character is operating within the constitutional center. A Palestinian or binational party that demands a state of all its citizens is challenging that center. The asymmetry affects legitimacy before votes are counted. Political equality is constrained by constitutional inequality.

Some defenders argue that minority rights can still be protected even if national self-determination is Jewish. In theory, a state could preserve strong individual and cultural rights for minorities while maintaining a majority national identity. But this argument depends on the depth of protection and the meaning of exclusivity. If the state's constitutional mission belongs only to one group, minority rights remain vulnerable whenever they collide with that mission. Equality becomes conditional.

The question is therefore not whether Jewish self-determination is legitimate in the abstract. The question is whether exclusive Jewish self-determination can coexist with full equality for non-Jewish citizens and Palestinians under Israeli control. The structure of the law suggests that equality is secondary. Self-determination belongs to one people; others receive whatever rights the state grants beneath that hierarchy.

5.3. Jewish settlement as constitutional value

The Nation-State Law's treatment of Jewish settlement is especially important because it links constitutional identity to land. Apartheid is never only a theory of belonging. It is a geography. It decides who may live where, who receives state support, whose communities are recognized, whose homes are planned, whose presence is encouraged, and whose expansion is restricted.

When settlement by one group is given constitutional value, land policy becomes an expression of national hierarchy.

The phrase Jewish settlement carries different meanings depending on location and legal context, but its constitutional elevation is politically revealing. It tells state institutions that the development and consolidation of Jewish presence is a public value. This matters in a country where land, planning, recognition, and demography have always been central to the conflict. The law does not speak in equivalent terms about Palestinian, Arab, Druze, Muslim, Christian, Bedouin, or shared civic settlement. The value named is Jewish settlement.

This does not mean that every individual land decision can be reduced to a single sentence in the law. Land administration is complex, and it involves older statutes, institutions, military orders, planning bodies, municipal boundaries, historical expropriations, private claims, public land, and court decisions. But the constitutional valorization of Jewish settlement supplies a guiding principle. It affirms that Jewish spatial development is not merely permitted but nationally valued.

In a genuinely equal civic state, settlement and development would be framed in terms of all citizens' housing, welfare, infrastructure, and community needs. The state would ask where people require homes, schools, clinics, roads, water, and economic opportunity. It would not constitutionally privilege one ethno-national group's settlement as the national ideal. By contrast, naming Jewish settlement as a value places one group's spatial expansion at the center of public purpose.

For Palestinian citizens, this is not abstract. Many Palestinian communities inside Israel face long-standing planning constraints, land shortages, home demolition threats, limited municipal boundaries, and difficulties in obtaining recognition or expansion. Bedouin communities in the Negev have faced particularly severe pressures around recognition, relocation, and demolition. When such realities coexist with constitutional encouragement of Jewish settlement, the hierarchy becomes spatial. One group's presence is developed; another group's presence is managed.

Settlement also connects the inside of Israel to the occupied territories. Official legal distinctions exist between sovereign Israel, East Jerusalem, the West Bank, and Gaza. These distinctions matter, but the ideology of land and Jewish national presence moves across them. The state's constitutional language strengthens the idea that Jewish settlement is a collective good, while Palestinian territorial continuity and development are treated as problems. This reinforces a broader geography of unequal belonging.

The settlement clause also helps explain why visibility matters. Land inequality is often slow. It does not always appear as a single dramatic event. A village is denied recognition. A planning

map excludes expansion. A permit is refused. A road serves one community more than another. A Jewish town receives support while a Palestinian locality is frozen. Over time, these administrative decisions produce a landscape of hierarchy. The constitutional value placed on Jewish settlement gives ideological coherence to that landscape.

Defenders may argue that Jewish settlement simply reflects the purpose of a Jewish state and does not require discrimination against others. But in a context of finite land, demographic contestation, historical displacement, and unequal power, privileging one group's settlement cannot be neutral. Encouragement for one group often means constraint for another. National development is not merely additive; it reallocates space, resources, and legitimacy.

The deeper issue is that settlement makes constitutional hierarchy material. A law about national identity becomes a road, a neighborhood, a village, a demolition order, a planning boundary, a school district, a water line, or a military-protected outpost. It becomes the visible geography of unequal belonging.

5.4. Arabic, symbolism, and the demotion of shared civic identity

Language and symbols are not superficial. They tell citizens whether they are merely tolerated or fully included. Flags, anthems, official languages, holidays, memorial days, place names, school curricula, and constitutional phrases form the emotional architecture of the state. They teach the population who belongs naturally, who belongs conditionally, and who must translate themselves into someone else's national story.

The Nation-State Law's treatment of Arabic is therefore significant. Arabic had long carried official status alongside Hebrew in the legal inheritance of the state. The law elevated Hebrew as the state language and gave Arabic a special status. Defenders argued that Arabic would remain protected in practice. Critics saw demotion. The controversy was not only about administrative use. It was about whether the language of Palestinian citizens and the wider Arab region could stand as an equal public language of the state.

Language equality matters because Palestinian citizens are not immigrants who arrived after the state's formation and asked for accommodation. They are part of the native population of the land. Arabic is not foreign to the country. It is one of the languages of its history, geography, memory, and people. To reduce Arabic's status is to signal that the public sphere is not equally built around those who speak it.

Symbolism works in the same way. Israel's flag, anthem, and national calendar express Jewish history and longing. This is understandable given the state's Jewish identity, but it creates a problem for non-Jewish citizens when no equal civic symbolism balances that identity. A Palestinian citizen may respect Jewish suffering and history while still finding that the anthem

does not speak in his or her voice. The state's symbols ask non-Jewish citizens to stand beneath a story in which they are not equal protagonists.

Majority symbols do not automatically create apartheid. Many democratic states have inherited symbols that reflect majority history. The difference lies in whether those symbols are embedded within a constitutional order of equal civic belonging. If the state clearly belongs to all citizens, majority symbols can be moderated by civic equality. But where the state defines national self-determination as exclusive to one people, symbols become part of a hierarchy. They are no longer merely cultural; they are constitutional signs of ownership.

The demotion of shared civic identity is perhaps the deepest consequence. A state with profound ethnic, religious, and historical divisions needs a strong common civic language if it hopes to create equality. It needs ways for citizens to say that, despite difference, the state belongs to all of them. The Nation-State Law moves in the opposite direction. It strengthens the particular national identity of one group while declining to create an equally powerful civic identity for all citizens.

This absence is not accidental. A strong shared Israeli civic identity would challenge the distinction between citizenship and nationality. It would suggest that the nation of the state is the citizenry as a whole. It would allow Palestinian citizens to claim the state as theirs not merely by residence or passport but by national membership. The refusal of such a shared identity preserves Jewish national priority.

The symbolic hierarchy also affects political speech. When Jewish citizens speak in the name of Jewish national destiny, they speak from within the state's constitutional center. When Palestinian citizens speak in the name of Palestinian memory, equality, or shared citizenship, they often speak from the constitutional margins. Their language can be treated as grievance, minority politics, or disloyalty rather than as a co-equal claim about the state's future.

The demotion of Arabic and the elevation of exclusively Jewish national symbolism therefore belong to the same structure. They narrow the space for common belonging. They make the state feel natural to one group and conditional to another. They tell Palestinian citizens that they may live, vote, and work inside the state, but the state's deepest language is not equally theirs.

A constitutional order built on equal citizenship would not require the erasure of Jewish symbols. It would require the creation of a civic framework in which those symbols do not exclude others from equal ownership. The Nation-State Law does not provide that framework. It constitutionalizes hierarchy and leaves shared civic identity weak, secondary, and unresolved.

6. Marriage, Religion, and the Absence of Universal Civil Status

Marriage law may appear at first to be a separate issue from nationality, apartheid, or political visibility. It is often treated as a social compromise, a religious inheritance, or a domestic inconvenience for secular couples. But in Israel, marriage and personal-status law expose one of the deepest features of the state: the absence of a fully universal civil identity. The state does not simply meet each person as an equal individual citizen capable of entering a civil marriage under a common civic code. Instead, it recognizes persons through religious and communal categories that determine which authority may marry them, divorce them, or define their family status.

This system is not unique in origin. It descends partly from older Ottoman and British Mandate arrangements in which religious communities retained jurisdiction over personal-status matters. But Israel's continuation of this structure has particular significance because it exists inside a state already built around the separation of citizenship from nationality. Personal-status law becomes another layer in the same architecture. The person is not only a citizen. The person is also classified by religion, nationality, community, ancestry, conversion status, and recognized affiliation. These classifications are not merely private. They are legal gateways.

The absence of ordinary domestic civil marriage means that Israelis who cannot or do not wish to marry through the relevant religious authority must seek alternatives. Some marry abroad and later seek recognition of the marriage for registration purposes. Some rely on partnership arrangements. Some remain in legally and socially awkward positions. Interfaith couples, same-sex couples, people not recognized as Jewish by Orthodox authorities, secular opponents of religious marriage, and persons classified outside recognized religious categories all encounter the limits of a system that does not provide a single civil door through which all citizens may pass.

This matters for the apartheid argument not because marriage law alone proves apartheid, but because it reveals how the state avoids common civic personhood. A liberal civic state normally treats marriage as a civil status available equally to citizens, regardless of religion. Religious ceremonies may exist, but they do not monopolize access to legal marriage. In Israel, the absence of universal civil marriage means that the state's recognition of family life is mediated through confessional structures. This reinforces the broader logic of classification.

Marriage is one of the places where the state tells people who they are. It tells them whether they are Jewish, Muslim, Christian, Druze, without religion, convertible, nonconvertible, eligible, ineligible, recognized, unrecognized, marryable, or unmarryable within the official system. The intimate decision to form a family becomes dependent on the state's religious and communal sorting of the population. Personal life is absorbed into public classification.

The result is not only inconvenience. It is a structural denial of equal civil status. Citizens do not all stand before one civil marriage law as members of a common civic nation. They are routed through separate authorities according to identity categories. The same state that refuses a common Israeli nationality also refuses a fully common civil framework for marriage. The two refusals belong to the same larger pattern: the weakening of shared civic identity in favor of confessional and ethno-national administration.

6.1. Personal-status law and religious jurisdiction

Personal-status law governs some of the most intimate dimensions of human life: marriage, divorce, family recognition, sometimes conversion, burial, inheritance, guardianship, and related matters. In Israel, these matters have long been tied to religious jurisdiction. Different religious communities possess different legal authorities, and the person's recognized affiliation determines the channel through which family status is governed. The state therefore does not simply ask whether two adult citizens wish to marry. It asks what kind of persons they are within the recognized religious order.

This structure is often defended as respect for religious communities. That defense has historical and social force. Religious communities do have traditions, courts, rules, and internal forms of belonging. For many people, marriage is not merely a civil contract but a sacred bond. A democratic state can and should permit religious marriage for those who desire it. The problem arises when religious jurisdiction becomes the compulsory route for legal marriage rather than one option among others.

Compulsory religious jurisdiction transforms religious identity into state power. It means that a person's legal path depends on classification rather than universal civil capacity. A Jewish citizen must deal with rabbinical authority for marriage and divorce. Muslim citizens are governed through Islamic legal institutions. Christian communities have their own ecclesiastical authorities. Druze citizens are routed through Druze religious jurisdiction. Each community may have its own internal logic, but the state's overall structure is one of separation rather than common civil law.

This separation is not neutral. Religious personal-status systems often embody patriarchal assumptions, communal boundary maintenance, and rules that may conflict with modern individual equality. Women can face particular vulnerabilities in divorce, custody, maintenance, or religious refusal. People whose identity is mixed, disputed, secular, converted, non-Orthodox, or outside recognized categories can find themselves trapped between systems. The state's refusal to provide a universal civil alternative leaves such people dependent on institutions they may not accept and rules they did not choose.

The deeper issue is that citizenship is not enough. A citizen who wishes to marry cannot simply invoke equal civic standing. The citizen must be placed into a religious category and processed accordingly. This makes the registry and the religious court part of one system of recognition. The state first classifies the person and then assigns the legal path available to that person.

This arrangement also reinforces communal separation. Marriage is one of the most powerful forms of social integration. A civil marriage system allows citizens from different backgrounds to form families under a shared legal framework. A confessional system makes intercommunal marriage difficult or impossible within the domestic legal order. It protects communal boundaries by denying a common civil route across them.

For a state already organized around Jewish national priority and fragmented non-Jewish categories, this has political meaning. Personal-status law helps prevent the emergence of a fully civic society in which citizens meet one another primarily as equal legal persons. It preserves the idea that the population consists of separate communities, each with its own authorized gatekeepers. That idea is compatible with a state of classified groups. It is less compatible with a state of equal citizens.

6.2. The absence of ordinary domestic civil marriage

The absence of ordinary domestic civil marriage is one of the clearest signs that Israel does not provide a complete common civil identity. In many countries, citizens may marry through a civil authority regardless of whether they also choose a religious ceremony. The civil state supplies the legal framework. Religion supplies meaning for those who want religious meaning. The two may coexist without one monopolizing the other.

Israel's system is different. Citizens who wish to marry inside the country generally must do so through the religious authority recognized for their community. The state may later register certain marriages performed abroad, but that is not the same as providing a domestic civil-marriage system. Recognition after foreign marriage is an workaround. It does not create an equal civil institution inside the state.

This distinction matters. A right that must be exercised abroad is not equal to a right available at home. Citizens should not have to leave their country to enter a civil marriage. They should not have to buy plane tickets, arrange foreign paperwork, marry remotely through legal innovations, or depend on administrative recognition after the fact. The need for such alternatives shows that the domestic legal order has failed to provide a universal civic route.

The absence of civil marriage affects many groups. Secular Jewish couples who object to religious marriage may be forced to choose between conscience and legal convenience. Jews not recognized as Jewish by Orthodox authorities may be unable to marry as Jews in Israel. Interfaith couples may have no domestic religious authority willing or able to marry them.

Same-sex couples cannot marry through religious institutions that do not recognize such marriages. Persons with no recognized religious affiliation may fall into limited alternative arrangements that do not amount to a universal civil marriage system.

The consequence is a hierarchy of marital access. Some citizens can marry through the system with relative ease because their identity, partner, and religious authority align. Others must maneuver around the system because their lives do not fit its categories. The law therefore rewards conformity to recognized communal boundaries and penalizes those who cross or reject them.

The problem is not merely that religion exists in public life. The problem is that civil status is not fully civil. The state does not provide one equal institutional framework for all citizens. Instead, it delegates the creation and dissolution of marriage to religious authorities whose jurisdiction depends on identity classification. This turns citizenship into a partial status. The citizen is equal only until the state asks what religious category governs the citizen's family life.

The lack of civil marriage also reveals the limits of Israeli liberalism. A state can have high technology, universities, courts, elections, global finance, advanced medicine, and modern infrastructure while retaining premodern communal structures at the center of family law. Modernity in one domain does not guarantee equality in another. A system can be legally sophisticated and civilly incomplete.

This civil incompleteness serves the broader political order. A universal civil marriage system would strengthen the idea that the state deals first with citizens as citizens. It would create a practical common space across religious and national boundaries. It would not abolish Jewish, Muslim, Christian, Druze, or secular identities, but it would subordinate communal gatekeeping to civil equality. The absence of such a system preserves the opposite principle: communal classification comes first.

6.3. Interfaith, secular, and nonconforming couples

The system's harshest effects fall on people whose lives cross the boundaries the state prefers to maintain. Interfaith couples expose the weakness of a confessional marriage system because they do not belong neatly to one religious jurisdiction. A Jewish citizen and a Muslim citizen, a Christian citizen and a Jewish citizen, a person without religion and a person inside a recognized community, or a same-sex couple seeking marriage all reveal the same problem: the state has no ordinary domestic civil framework that treats them simply as two citizens.

Interfaith marriage is especially significant because it challenges the separation of communities. A civil state can allow religious communities to define their own sacramental rules while still offering civil marriage to citizens who do not fit those rules. Israel's system largely avoids that solution. By failing to provide an easy domestic civil route, it reinforces the boundaries between

communities. The couple may love across categories, but the state recognizes the categories before it recognizes the couple.

Secular couples face a related problem. A secular Jew may not want a rabbinical marriage. A secular Muslim, Christian, or Druze citizen may reject clerical authority over family life. Yet the state's structure gives religious institutions control over marriage and divorce within recognized communities. Secular citizenship does not release the person from confessional jurisdiction. In this respect, the state treats religion not only as belief but as legal belonging.

Nonconforming Jewish citizens illustrate another layer. Jewish identity in Israel is not only a personal or cultural identity; it can become a legal question governed by religious standards. People who identify as Jewish but are not recognized as Jewish by Orthodox authorities may find their marital options restricted. Immigrants from the former Soviet Union and others with partial Jewish ancestry or disputed status have often encountered this problem. The state may welcome them under national or immigration principles while religious authorities deny them full marriage eligibility.

Same-sex couples reveal the civil-rights gap even more sharply. Where marriage depends on religious authorities, couples whose relationships are not recognized by those authorities cannot marry domestically. The state may recognize certain foreign marriages or grant rights through other arrangements, but the lack of domestic civil marriage remains a structural exclusion. Recognition after detour is not equal access.

These cases are often treated as marginal, but they are analytically central. Systems reveal themselves at the margins. The person who fits the dominant category may not notice the machinery. The person who does not fit encounters it immediately. The interfaith couple, secular couple, same-sex couple, convert, immigrant, person without religion, or person of disputed identity discovers that the state's claim to modern citizenship is limited by older structures of communal classification.

The social consequences are profound. Marriage is not only a private relationship. It affects children, inheritance, housing, taxation, immigration, health decisions, social legitimacy, and public recognition. When the state makes marriage difficult for those who cross categories, it discourages social integration. It tells citizens that their most intimate relationships must remain inside officially recognized boundaries or be pursued through legal workarounds.

This is why personal-status law belongs in a paper on apartheid and visibility. Apartheid is not only about separation imposed by police, walls, roads, and checkpoints. It is also about separation reproduced through family law, identity records, marriage restrictions, and communal jurisdiction. If citizens cannot marry one another through a common civil institution, the state has preserved separation at the level of kinship itself.

The interfaith or nonconforming couple therefore becomes a witness. Their difficulty exposes what the official language conceals: the state does not fully trust civil citizenship to organize society. It trusts classification.

6.4. Confessional law as social sorting

Confessional law sorts society by assigning people to religious communities before recognizing them as equal civil persons. This sorting may appear benign when it is described as respect for tradition. But when participation is compulsory and no universal civil alternative exists, confessional law becomes an instrument of state classification. It does not merely reflect social difference. It organizes and preserves it.

The sorting begins with identity. A person must be recognized as belonging to a community or as lacking recognized religious affiliation. That recognition affects marriage, divorce, and sometimes other personal-status matters. The state therefore has an interest in determining who is Jewish, Muslim, Christian, Druze, or without religion. These are not only theological questions. They become legal facts.

Once sorted, citizens are routed through different institutions. Each route carries its own rules, authorities, gender assumptions, procedures, and limits. The state can then claim that it is not discriminating directly; it is simply respecting each community's law. But this claim obscures the state's role in making those communities legally decisive. The state chooses to make religious affiliation the gateway to civil status.

Confessional sorting also protects endogamy. By making intercommunal marriage difficult domestically, the system encourages marriage within recognized communities. This is not always stated openly as a goal, but it is one of the system's effects. Communities remain bounded. Religious authorities retain power. Mixed families must seek alternatives. The state avoids creating a broad civil space in which citizens can form families across official categories without clerical permission.

Such sorting is particularly important in a state anxious about demography. Marriage, birth, conversion, and family unification are never politically neutral in a national conflict. They affect the future composition of the population. A universal civil marriage system would make it easier for citizens to cross communal boundaries and would weaken the state's ability to maintain separate demographic categories. Confessional law therefore aligns with the broader politics of population management.

The system also fragments resistance. People harmed by marriage law may experience their problems as private or technical rather than structural. One couple cannot marry because of religious difference. Another cannot marry because of disputed Jewish status. Another objects to rabbinical authority. Another is same-sex. Another belongs to no recognized religion. Another

faces divorce restrictions. Each case looks different, but the underlying issue is common: the absence of universal civil status.

This fragmentation is similar to the broader fragmentation of Palestinians and non-Jewish citizens into different legal categories. The state rarely confronts one unified demand for equal civic belonging. Instead, it manages many separate problems through many separate channels. Complexity reduces the visibility of the whole.

Confessional law also creates public deniability. The state can say that it is preserving religious freedom, not imposing inequality. It can say that each community governs its own affairs. It can say that secular citizens have alternatives abroad or through partnership arrangements. But these defenses do not answer the central question: why does the state not provide a single civil marriage institution for all citizens at home?

The answer is that a single civil institution would imply a stronger common citizenship than the state has been willing to recognize. It would mean that, at least in the domain of family formation, the citizen stands before the state before standing before the community. It would weaken the legal power of confessional boundaries. It would make the state more civic and less communal in one of the most intimate domains of life.

Confessional law therefore belongs to the architecture of unequal belonging. It does not operate in isolation from nationality law, the population registry, or the Nation-State Law. Together, these systems tell the same story. The state recognizes people through categories that precede equal citizenship. It preserves Jewish national priority, fragments non-Jewish identity, and routes family life through religious authority. It makes common civic belonging difficult to imagine because it prevents common civil status from becoming fully real.

The absence of universal civil marriage is therefore not a minor anomaly. It is a window into the state's deepest structure. Where a common civil identity should stand, the state places classification. Where equal citizenship should be sufficient, the state asks for religion. Where family life could become a bridge across communities, the law preserves separation. In this sense, marriage law is not peripheral to the politics of apartheid. It is one of the quiet places where the system reproduces itself.

7. Land, Planning, and the Material Geography of Inequality

Law becomes most visible when it becomes land. A constitutional hierarchy may begin as text, a registry category may appear as an administrative field, and nationality may seem abstract until one asks where people may live, build, return, expand, farm, connect to infrastructure, or establish recognized communities. Land translates identity into geography. It turns belonging

into roads, schools, water lines, municipal boundaries, housing permits, demolition orders, forest projects, settlement blocs, and unrecognized villages. In this sense, land policy is not a secondary issue in the analysis of apartheid. It is where apartheid becomes material.

Every state plans land. Every state zones, allocates, regulates, builds infrastructure, protects open space, and decides where development should occur. Planning is not inherently oppressive. But planning becomes an instrument of domination when the state uses it to expand one group's presence while restricting another's, to recognize one group's communities while denying recognition to another's, to invest in one population's future while treating another population's growth as a threat. The question is not whether land administration exists. The question is whose life it is designed to make possible.

In Israel, land and planning reveal the practical consequences of the distinction between citizenship and equal national belonging. Palestinian citizens may hold citizenship, but their communities have faced long-term restrictions in land access, planning approval, municipal expansion, recognition, and infrastructure provision. Jewish communities, by contrast, have historically benefited from state-backed settlement, development institutions, and national land policies designed to consolidate Jewish presence. This is not merely a problem of uneven budgets. It reflects the deeper structure of a state whose national mission is tied to Jewish land development.

The geography of inequality is often slow. A dramatic act of violence may be seen immediately, but a planning regime may unfold over decades. A town is denied room to expand. A village is not recognized. A family cannot obtain a building permit. A home is declared illegal. A community lacks paved roads, sewage, water, clinics, schools, or protective infrastructure. A neighboring Jewish locality receives planning approval, public investment, and symbolic recognition. Over time, the map itself begins to tell the political story.

This slow geography is especially important because it can be defended as technical. Officials can point to zoning rules, environmental regulations, state land principles, planning committees, historic ownership disputes, public needs, or security concerns. Each explanation may seem narrow and administrative. But the cumulative effect is not neutral if one population's communities are repeatedly constrained while another's are repeatedly developed. Planning then becomes a language through which national hierarchy governs daily space.

Land is also central because it connects the situation inside Israel to the wider geography between the Jordan River and the Mediterranean Sea. Different legal regimes operate in different zones: sovereign Israel, East Jerusalem, the West Bank, Gaza, and refugee exile. These distinctions are real, but the organizing question crosses them: how does the state distribute

land, movement, recognition, and development between Jews and Palestinians? The answer is not identical in every territory, but the pattern of unequal geography is unmistakable.

The material geography of inequality therefore shows why apartheid cannot be understood only through voting rights or formal citizenship. A ballot does not build a house. A passport does not expand a municipal boundary. A court petition does not necessarily connect an unrecognized village to water. A citizenship certificate does not guarantee that one's community will be planned as a permanent part of the state's future. Equal citizenship must be spatial, or it is incomplete.

7.1. Land allocation and institutional preference

Land allocation is one of the clearest places where national preference becomes public policy. In a state organized around equal citizenship, public land should be administered for the benefit of all citizens without ethno-national preference. A citizen's access to housing, leasing, development, and community life should not depend on whether the state sees that citizen as belonging to the national people for whom the state exists. In Israel, however, land institutions have long been entangled with the project of Jewish national development.

This history cannot be separated from Zionism's central goal: the creation and consolidation of a Jewish national home. Land purchase, settlement, cultivation, and demographic transformation were not incidental to the project. They were at its core. After 1948, the new state inherited, confiscated, nationalized, transferred, administered, and planned land in ways that reflected the new political order. Much land became state land or was connected to institutions whose purpose was explicitly Jewish development. This created a structural asymmetry between Jewish citizens and Palestinian citizens.

The role of the Jewish National Fund is especially significant because it embodies the link between land and Jewish peoplehood. The JNF was created to acquire and hold land for Jewish settlement and development. In a purely private or diaspora context, such an institution might be understood as a national movement's land trust. The problem becomes sharper when JNF lands and state land administration become intertwined with public authority. If public land systems incorporate institutions committed to Jewish-only benefit, then the state's land regime cannot be described as fully civic.

The Israel Land Authority and related land institutions have therefore been central to disputes over equality. When land formally or effectively serves Jewish national purposes, Palestinian citizens encounter the limits of citizenship. They may be citizens of the state, but the land system has historically been structured around another national subject. This is the spatial equivalent of the citizenship-nationality gap. The Palestinian citizen belongs legally to the state but not equally to the land project of the state.

Defenders may argue that reforms and legal challenges have reduced overt exclusion, and that Palestinian citizens can in some contexts lease or purchase land. Such points should be considered, but they do not erase the broader historical structure. A system built over decades can continue to produce unequal outcomes even after some formal barriers are modified. Land distribution, municipal boundaries, accumulated property, infrastructure, and planning capacity all reflect past policy. Historical preference becomes present inequality.

Institutional preference also appears through the development of new communities. Jewish localities have been founded, planned, expanded, and supported as expressions of national development. Palestinian localities, by contrast, have often faced constrained boundaries and limited expansion despite population growth. The issue is not only who owns parcels of land. It is who receives a future in the planning imagination of the state.

This is why land allocation must be analyzed as a constitutional practice, not merely an administrative one. The Nation-State Law's valuation of Jewish settlement did not emerge in a vacuum. It reflects a long-standing orientation in which Jewish spatial development is treated as a national good. Palestinian spatial development is not treated in the same way. It is often treated as a problem of minority management, unauthorized construction, demographic pressure, or security risk.

A state's land policy reveals its answer to the question of belonging. If one group's settlement is a public value and another group's expansion is a planning problem, equality has already been denied. The map becomes the constitution in physical form.

7.2. Planning restrictions and Palestinian communities inside Israel

Planning restrictions are among the most powerful instruments of quiet inequality because they make discrimination appear procedural. A home is not demolished because the owner is Palestinian, the official explanation says; it is demolished because it lacks a permit. A village is not denied development because of national identity; it is outside the plan. A town is not overcrowded because the state restricts Palestinian growth; it simply has limited jurisdictional boundaries, infrastructure constraints, or zoning problems. The language is technical. The effect is political.

Palestinian communities inside Israel have long faced a severe mismatch between population growth and planned space. Many towns and villages have not received adequate expansion of municipal boundaries, industrial zones, housing areas, or infrastructure. Residents who need homes for growing families may find legal construction nearly impossible. When permits are unavailable or plans do not reflect actual needs, unauthorized construction becomes a survival response. The state then treats that survival response as illegality.

This cycle is central to planning inequality. First, the state restricts recognized development. Then families build without permits because legal routes are blocked or inadequate. Then the state issues demolition orders because the construction is unauthorized. The final act appears as law enforcement, but the earlier acts created the conditions of illegality. The system produces the violation it later punishes.

Planning restrictions also affect economic life. A community without sufficient industrial zones, commercial areas, roads, public transportation, schools, clinics, and public facilities cannot develop on equal terms. Its residents may become dependent on labor markets elsewhere while their own locality remains under-resourced. Land scarcity raises housing costs, intensifies overcrowding, and strains family life. Spatial inequality becomes social inequality.

The issue is not only inside Arab towns. It also concerns access to nearby Jewish communities, regional councils, and rural localities. Admission mechanisms, community selection practices, and social-suitability criteria have been criticized as tools that can exclude Palestinian citizens from living in many small Jewish communities, even when those communities sit on public land. The language of social cohesion can mask national exclusion. The community is presented as private or intimate, but the land and planning structure are public.

Such mechanisms show how segregation adapts to liberal language. A state no longer needs to say openly that Arabs may not live here. It can allow communities to assess suitability, compatibility, social fabric, or communal character. These terms appear neutral, but in a context of national hierarchy they can preserve separation while avoiding blunt racial language. The result is a geography in which Jewish and Palestinian citizens may hold the same formal citizenship but not the same practical access to residential space.

Planning inequality also shapes visibility. A demolished Palestinian home may receive brief attention, but the planning map that made legal construction nearly impossible is harder to show. A lack of sewage infrastructure is less dramatic than a police raid. A municipal boundary is less visible than a wall. Yet these are the instruments by which inequality becomes durable. They are the slow technologies of exclusion.

For Palestinian citizens, the result is a form of civic compression. They are citizens, but their communities are often denied sufficient room to breathe. The state recognizes their existence but limits their growth. It tolerates their presence but does not plan their future as generously as it plans Jewish development. This is not equal belonging. It is containment under citizenship.

7.3. Recognition, demolition, and unequal development

Recognition is one of the most basic powers of the state. To recognize a community is to place it on the map of lawful existence. Recognition allows planning, infrastructure, public services, roads, schools, clinics, electricity, water, sewage, emergency access, and long-term

development. Nonrecognition does the opposite. It turns a real community into an administrative absence. People may live there for generations, but the state treats the place as illegal, temporary, or nonexistent.

The unrecognized Bedouin villages in the Naqab/Negev represent one of the clearest examples of this problem. Many Bedouin citizens live in communities that the state has refused to recognize, often describing them as illegal or unauthorized. Because the villages are not recognized, they may be denied basic infrastructure and services. Their homes may be subject to demolition. Their residents may be pressured to relocate to planned towns or other state-approved arrangements. Citizenship does not protect the village from being treated as an administrative error.

The power of nonrecognition is that it reverses moral reality. A community that predates state plans can be described as illegal because the plan refuses to see it. A family living on ancestral land can be called a trespasser because the state has reclassified the land. A village can be denied water and electricity not because its people do not exist, but because the state refuses to acknowledge their place as permanent. The map becomes more authoritative than the human community.

Demolition then appears as enforcement. The state does not say it is destroying a community because it is Bedouin or Palestinian. It says it is enforcing planning law, removing illegal structures, protecting public land, or implementing development policy. But when recognition and permits are systematically withheld, demolition is not neutral enforcement. It is the violent end of a planning regime that first denies legality and then punishes illegality.

Unequal development reinforces the same pattern. Recognized Jewish communities, agricultural settlements, suburban localities, and development towns may receive infrastructure, roads, public investment, security protection, and planning support. Nearby unrecognized or underrecognized Bedouin communities may lack basic services. The contrast is not accidental. It reflects a hierarchy of permanence. One community is imagined as part of the state's future; the other is treated as an obstacle to that future.

This is why recognition is not merely a bureaucratic status. It is a declaration of belonging. A recognized community has a future. An unrecognized community has a problem. The recognized community can plan schools, clinics, housing, and public space. The unrecognized community must defend itself against erasure. The difference is existential.

The politics of recognition also connects to demography. Bedouin land claims and village recognition challenge state efforts to control space in the Negev. Palestinian municipal expansion challenges efforts to preserve Jewish demographic and territorial dominance in key regions. Recognition is therefore not only about services. It is about whether non-Jewish

communities may root themselves permanently in land the state considers strategically important for Jewish development.

The language of development can be especially deceptive. Governments may present relocation plans, urbanization schemes, or planned towns as modernization. They may say that scattered villages are inefficient, illegal, unsafe, or incompatible with regional development. Some residents may indeed want better services, jobs, and infrastructure. But development imposed without equal recognition and consent can become displacement by another name. The question is who controls the future of the community.

For a citizen, the right to belong must include the right of one's community to be planned, recognized, serviced, and protected. If citizenship exists on paper while the village remains off the map, then citizenship is materially incomplete. A person cannot fully belong to a state that refuses to see the place where he lives.

7.4. Geography as a slow instrument of domination

Domination does not always arrive as a single catastrophic event. It can arrive slowly, through maps. It can be administered by committees, surveyors, planners, land registrars, zoning boards, infrastructure ministries, police units, courts, and municipal boundary commissions. Each decision may appear limited. Over time, the accumulation produces a geography of power.

This slow domination is often harder to challenge than open violence because it lacks one dramatic moment. A family waiting years for a permit, a village lacking sewage, a town hemmed in by boundaries, a home built without authorization because no authorization is realistically available, a community excluded by admissions criteria, a field reclassified as state land, a road routed around one locality and into another: each can be treated as a separate administrative issue. But together they form a spatial regime.

Geography matters because it shapes what kind of life is possible. Land determines whether families can remain near one another, whether young couples can build homes, whether children have schools, whether businesses can open, whether emergency vehicles can arrive, whether agriculture can continue, whether a community can grow, and whether memory can remain attached to place. To control land is to control time. It determines not only where people live now, but whether they have a future there.

In the Israeli-Palestinian context, geography has always been political because the conflict is about land, return, settlement, sovereignty, and demographic power. The state's preference for Jewish spatial development cannot be separated from its fear of Palestinian rootedness. Palestinian presence is not treated simply as residence. It is treated as a national fact with political implications. This is why planning becomes security, demography becomes policy, and construction becomes a battlefield.

The slow nature of geographic domination also produces international misunderstanding. Outsiders may ask whether Palestinian citizens can vote, whether they sit in parliament, or whether courts sometimes rule in their favor. These questions matter, but they do not capture spatial inequality. Equal political belonging requires more than formal political participation. It requires equal access to land, housing, infrastructure, recognition, and community development. Without these, citizenship becomes abstract.

Geography also reveals the connection between the interior and the frontier. Inside Israel, Palestinian communities may face planning restrictions, land shortages, and recognition struggles. In East Jerusalem, residency, settlement, demolition, and planning policies shape Palestinian life under annexed municipal authority. In the West Bank, settlements, military zones, bypass roads, checkpoints, land declarations, and Area C restrictions fragment Palestinian space. In Gaza, blockade and destruction produce an extreme form of spatial control. The legal regimes differ, but the spatial logic repeatedly privileges Jewish-Israeli movement, settlement, and security over Palestinian continuity and development.

This does not mean that every land dispute has the same legal status or historical cause. It means that the broader geography cannot be understood through isolated cases alone. One must ask what pattern the cases create. Do they expand equal belonging, or do they consolidate domination? Do they allow Palestinians to develop as a people, or do they fragment and contain them? Do they treat Jewish and Palestinian presence as equally legitimate, or do they value one as national fulfillment and the other as a problem?

The answer is written into the landscape. It appears in overcrowded Palestinian towns, unrecognized Bedouin villages, expanding Jewish communities, restricted Palestinian planning, settlement infrastructure, separate road systems, and the constant struggle over permits, recognition, demolition, and return. The map is not neutral. It is a record of power.

This is why land and planning belong at the center of the apartheid analysis. Apartheid is not only separation in law. It is separation in space. It is the production of different geographies for different populations. It is the conversion of national hierarchy into everyday terrain. It is a system in which one group’s future is planned and another group’s future is obstructed.

To challenge such a system, one must make the slow geography visible. The demolished home must be connected to the denied permit. The denied permit must be connected to the planning map. The planning map must be connected to municipal boundaries. The boundaries must be connected to land institutions. The land institutions must be connected to constitutional hierarchy. Only then does the full structure appear.

The geography of inequality is slow, but it is not invisible. It can be read. It can be mapped. It can be named. And once named, it becomes clear that unequal land policy is not a technical side issue. It is one of the central ways the state decides who truly belongs.

8. Gaza and the Occupied Territories: Where Visibility Narrows

If the interior of Israel shows how hierarchy can be hidden in law, Gaza shows what happens when visibility itself becomes a contested resource. The question is not only what is being done, but who is allowed to see it, document it, verify it, narrate it, and survive long enough to testify. Gaza is therefore not merely another territorial chapter in the Israeli-Palestinian conflict. It is the most extreme case of managed perception, where military control, blockade, destruction, displacement, and restricted journalistic access combine to make reality itself harder to establish in real time.

The occupied territories are governed through a different legal architecture from that inside Israel. Palestinian citizens of Israel live under civil law and possess citizenship, even if their citizenship does not confer equal national belonging. Palestinians in the West Bank live under occupation, military rule, settlement expansion, movement restrictions, land fragmentation, and a system in which settlers and Palestinians are governed through different legal orders. Palestinians in East Jerusalem occupy a precarious residency status under an annexed municipal regime. Palestinians in Gaza live under conditions shaped by blockade, repeated military assault, severe movement restrictions, infrastructural collapse, and extreme dependency on outside access for food, fuel, medicine, communication, and reconstruction.

Across these zones, visibility changes. Inside Israel, inequality can be studied through laws, court cases, registries, planning decisions, official statements, parliamentary debates, and the testimony of citizens. In the West Bank, visibility is constrained by military control, settler violence, checkpoint geography, and permit systems, but there remains some access for journalists, diplomats, NGOs, international observers, Israeli activists, and Palestinian organizations. In Gaza, visibility narrows far more dramatically. Entry is controlled, movement is dangerous, communications can collapse, journalists are killed, and foreign correspondents often cannot enter independently. The world sees Gaza through fragments: local video, satellite imagery, hospital reports, aid-agency statements, military briefings, survivor testimony, and the work of Palestinian journalists under fire.

This narrowing of visibility is not accidental to domination. It changes the politics of accountability. When a territory is visible, claims can be checked against witnesses, images, field reporting, independent inspection, forensic analysis, and competing accounts. When a territory is sealed or partly sealed, the balance shifts toward official narratives, selective embeds,

delayed verification, and disputes over credibility. The state with military control gains an evidentiary advantage. The population under attack must prove its suffering while being denied the conditions under which proof is easiest to gather.

This is why Gaza belongs at the center of a paper on apartheid and visibility. Apartheid is not only a regime of legal separation. It is a regime that depends on controlling the meaning of separation. Gaza shows the most severe version of that control. The territory is seen constantly and yet not seen adequately. Images circulate around the world, but independent access remains limited. Death is documented, but verification is contested. Witnesses speak, but their credibility is attacked. The result is a cruel paradox: Gaza may be one of the most watched places on earth, while still being one of the most obstructed places for independent observation.

The politics of visibility in Gaza therefore forces a basic question: what does accountability mean when the primary witnesses are also the victims?

8.1. Gaza as the limit case of restricted observation

Gaza is the limit case because it compresses nearly every element of unequal power into a narrow, heavily controlled territory. Its population is largely composed of refugees and their descendants. Its borders, airspace, maritime access, population registry, imports, exports, movement, and infrastructure have been shaped by Israeli control, Egyptian restrictions, Palestinian political division, and repeated wars. It is often described as densely populated, impoverished, besieged, and politically trapped. But even these descriptions can become too abstract. Gaza is not only a humanitarian crisis. It is a test of whether the outside world can see a confined population clearly enough to understand the system governing it.

Restricted observation changes everything. A journalist who cannot enter cannot walk the streets, compare neighborhoods, interview families in person, inspect impact sites, examine hospitals independently, or follow the movement of displaced civilians over time. A human rights investigator who cannot enter must rely on remote interviews, images, open-source intelligence, medical records, satellite data, and testimony gathered under extreme conditions. A foreign diplomat who cannot move freely sees only what access permits. A court or international body receives evidence that is always vulnerable to accusations of incompleteness, manipulation, or propaganda.

This does not mean that nothing can be known. Much can be known. Modern war leaves traces. Bodies, craters, ruins, hospital logs, satellite images, communications records, weapons fragments, videos, family testimony, aid-agency reports, and journalist documentation all create an evidentiary field. Gaza is not unknowable. But restricted access raises the cost of knowing and gives powerful actors more room to contest the record.

Gaza also reveals the relationship between physical confinement and epistemic confinement. To confine a population physically is to restrict its movement. To confine it epistemically is to restrict its ability to make its reality legible to others. When people cannot leave, when journalists cannot freely enter, when electricity and communications fail, when hospitals collapse, and when witnesses are killed, the suffering of the population becomes harder to translate into authoritative public knowledge. The territory becomes both a site of violence and a site of contested truth.

The state with military superiority often benefits from this uncertainty. It can issue statements after strikes, classify targets, invoke intelligence, accuse casualties of militant affiliation, and frame destruction through security necessity. Some of those claims may be true in specific cases; some may be false, incomplete, or impossible to assess without independent access. The problem is that the audience is asked to trust the very power whose actions require scrutiny.

Restricted observation also distorts time. In an open reporting environment, facts may emerge quickly enough to influence public response. In a restricted environment, confirmation may come after the political moment has passed. By the time investigators reconstruct an event, the military operation has moved on, the public narrative has hardened, and victims have been buried or displaced. Delay becomes a form of impunity.

Gaza therefore shows the outer edge of managed visibility. The world sees enough to be horrified but often not enough to adjudicate every claim. It sees destruction but struggles over attribution. It sees civilian suffering but encounters competing narratives about necessity, proportionality, human shields, targeting, evacuation, and responsibility. The result is not absence of knowledge, but a fog that protects power.

This is why the demand for access is not a journalistic luxury. It is a democratic and human rights necessity. Without independent observation, war becomes easier to narrate by those who wage it.

8.2. Foreign press access and managed reporting

Foreign press access matters because independent journalism is one of the mechanisms by which the world tests official claims. Journalists are not perfect. They make errors, carry assumptions, work under institutional pressures, and may reproduce the biases of their societies. But independent access still matters because it multiplies witnesses. It allows reporters from different countries, languages, institutions, and political backgrounds to compare accounts, challenge military briefings, interview survivors, inspect physical evidence, and produce a record not wholly dependent on the parties to the conflict.

When foreign journalists are blocked from entering Gaza independently, the information environment changes. Reporting becomes dependent on Palestinian journalists inside Gaza,

occasional controlled or embedded access, remote verification, official statements, humanitarian organizations, and open-source material. Some of this reporting is courageous and highly reliable. But the absence of broad independent access allows critics of Palestinian testimony to dismiss the record as unverified, local, partisan, coerced, or incomplete. In other words, the ban harms not only foreign journalists. It harms the credibility environment for Palestinian witnesses.

Managed reporting is not the same as no reporting. A state may allow selected visits, military escorts, pool arrangements, or access under conditions that prevent free movement. Such access can produce useful information, but it cannot substitute for independent reporting. A journalist who moves with an army sees the war through the army's route, timing, security restrictions, and chosen frame. The journalist may still report critically, but the field of observation is narrowed before the reporting begins.

This is a central feature of modern information control. The state does not need to censor everything if it can structure access. It can determine where journalists go, whom they meet, what they see, when they see it, how long they remain, and what risks they face if they attempt to operate independently. The resulting coverage may appear open because journalists are present, but presence under control is not the same as freedom to observe.

The justification is usually security. War zones are dangerous. Militaries do have obligations to protect journalists from foreseeable harm, and there may be operational risks in some forms of access. But security cannot be allowed to become a blanket argument against independent scrutiny. The more severe the military operation, the greater the need for independent observation. If the state's actions are lawful and necessary, independent journalism should strengthen the record. If the state's actions are unlawful or excessive, independent journalism is precisely what the public needs.

Foreign press restrictions also affect international audiences differently from local ones. Many Western publics are more likely to trust familiar foreign correspondents than Palestinian reporters. This bias is itself a problem, but it is a real feature of media consumption. When foreign correspondents are absent, Palestinian journalists must carry both the burden of reporting and the burden of overcoming audience prejudice. They must document events while being asked to prove that they are not propagandists for their own survival.

The exclusion of foreign journalists therefore produces a double injury. It deprives the world of independent observation, and it increases the vulnerability of local journalists to defamation. A Palestinian reporter becomes indispensable because no one else can enter, then suspect because he or she is Palestinian. The structure creates dependence on local testimony while undermining the legitimacy of that testimony.

This is why press access belongs to the architecture of accountability. Without it, the public record is easier to manipulate. Civilian deaths become contested numbers. Destroyed hospitals become disputed targets. Starvation becomes a debate over responsibility. Evacuation orders become evidence of humanitarian caution for one audience and evidence of forced displacement for another. The absence of independent access does not merely reduce information. It multiplies plausible narratives in ways that favor power.

A free press cannot stop a bomb. But it can make the bomb visible, trace its consequences, identify the dead, test the official explanation, and preserve evidence for future judgment. That is why restricting press access matters so much.

8.3. Local Palestinian journalists as the primary witnesses

In Gaza, local Palestinian journalists have become the primary witnesses to their own people's destruction. This role is both heroic and unbearable. They report while displaced, hungry, grieving, threatened, injured, bereaved, and sometimes targeted or accused. They film hospitals where their relatives may be among the dead. They report from neighborhoods where their own homes may have been destroyed. They interview survivors while living as survivors themselves. They are not outside observers parachuting into a conflict. They are members of the society being attacked.

This proximity is often used against them. Critics suggest that because Palestinian journalists are personally affected, they cannot be objective. But this argument misunderstands both journalism and power. A journalist from a threatened community may have strong commitments, grief, anger, and fear. That does not make the journalist unreliable. It means the journalist is reporting from inside the event rather than from a hotel balcony or military briefing room. The proper response is not to dismiss local witnesses but to corroborate, contextualize, and protect them.

All war reporting is situated. An embedded journalist is situated with an army. A foreign correspondent is situated by nationality, language, institutional culture, and access. A state spokesperson is situated by loyalty to the state. A military analyst is situated by sources and assumptions. Palestinian journalists are situated too, but their situatedness is treated as uniquely disqualifying because they belong to the population whose suffering they document. This is not objectivity. It is a hierarchy of credibility.

Local journalists also perform functions that foreign journalists cannot easily perform even when access exists. They know the neighborhoods, families, dialects, histories, routes, social networks, and local geography. They can identify who lived in a building, which school became a shelter, which clinic remained open, which road was passable, which family moved where, and which rumor is plausible or false. Their knowledge is not a defect. It is an evidentiary resource.

The killing, detention, displacement, or intimidation of local journalists therefore has consequences beyond individual tragedy. Each journalist lost is a witness removed from the record. Each destroyed newsroom is an archive destroyed. Each camera silenced narrows the world's ability to know. Each accusation that a journalist is a militant, propagandist, or security threat must be examined carefully because such accusations can become a method of erasing witnesses after they have been killed.

This is not to say that every person claiming to be a journalist is beyond scrutiny, or that armed groups never manipulate media environments. Hamas has its own coercive power inside Gaza, and journalists can face pressure from multiple directions. But that reality does not justify treating Palestinian journalism as presumptively illegitimate. On the contrary, it makes protection and independent verification more important.

The dependence on local journalists also reveals the moral asymmetry of the information system. The world demands images from Gaza, then questions the people who risk their lives to provide them. It wants proof of suffering, then distrusts the sufferers. It watches livestreamed ruin, then asks whether the camera is biased. This burden would be less severe if independent foreign press access were broad and consistent. In the absence of that access, Palestinian journalists are forced to serve as both witnesses and defendants of their own credibility.

Their work also preserves names. In mass violence, victims can become numbers. Local journalists restore particularity: the child, the teacher, the nurse, the family, the street, the school, the tent, the apartment, the last voice message. This is not sentimental detail. It is resistance to erasure. Systems of domination often prefer populations to appear as masses, threats, or statistics. Journalism returns the dead and displaced to human scale.

For this reason, Palestinian journalists are not peripheral to the politics of visibility. They are central. They are the eyes of a sealed territory. To attack their credibility or restrict the conditions under which their work can be corroborated is to attack the public's ability to see Gaza at all.

8.4. Restricted visibility and the expansion of impunity

Impunity grows where visibility narrows. This does not mean that every unseen act is criminal or that every visible act is punished. It means that the probability of accountability declines when independent observation is restricted, evidence is delayed, witnesses are killed or displaced, and official narratives dominate the first account of events. Power benefits when scrutiny arrives late, fragmented, or uncertain.

Restricted visibility expands impunity in several ways. First, it limits contemporaneous verification. If journalists, investigators, and observers cannot reach the scene quickly, physical evidence may be destroyed, moved, contaminated, buried, or rendered inaccessible. Bomb

craters change. Buildings are cleared. Bodies are buried. Survivors scatter. Communications are lost. The evidentiary chain weakens.

Second, restricted visibility allows narrative capture. The first explanation of an event often shapes public understanding even if later evidence complicates or disproves it. A military statement may frame a strike as necessary, precise, or directed at militants. A local report may describe civilian casualties. Without independent access, audiences choose between narratives according to prior loyalties. By the time fuller evidence emerges, the initial frame may have done its political work.

Third, restricted visibility encourages attacks on witnesses. If local journalists, doctors, aid workers, or survivors are the main sources of information, those sources can be discredited as partisan, coerced, manipulated, or affiliated with armed groups. Some scrutiny is legitimate, but blanket dismissal becomes a tool of impunity. The witness is placed on trial instead of the event.

Fourth, restricted visibility fragments the legal record. International accountability depends on patterns as well as incidents. War crimes, crimes against humanity, and apartheid are not always proven by one event. They require cumulative evidence: repeated practices, command responsibility, policy, intent, discrimination, and systematic effect. When access is blocked, the pattern becomes harder to document. Each event remains contested in isolation.

Fifth, restricted visibility normalizes exceptionalism. Gaza is treated as a place where ordinary standards cannot apply because the situation is too dangerous, too complex, too saturated with militant presence, too politically charged, or too difficult to verify. This exceptionalism is dangerous. It allows a civilian population to be governed by a lower standard of visibility and, therefore, a lower standard of protection.

The relationship between apartheid and impunity becomes clear here. Apartheid depends not only on unequal law but on unequal credibility. The dominant state's explanations are treated as official, rational, security-based, and institutionally serious. The dominated population's testimony is treated as emotional, suspect, political, or propagandistic. One side produces intelligence; the other produces allegations. One side investigates itself; the other demands investigation. One side names targets; the other names the dead.

This unequal credibility is one of the hidden pillars of domination. It determines which claims receive immediate belief and which must fight for recognition. It shapes diplomatic language, media headlines, court proceedings, and public opinion. It allows mass suffering to be treated as unfortunate but explainable, while resistance or accusation from the oppressed is treated as inherently suspect.

Restricted visibility also has a deterrent effect on future witnesses. If journalists are killed, if aid workers are attacked, if doctors are discredited, if survivors are accused, if foreign reporters are

excluded, and if institutions fail to protect those who document abuse, then fewer people will be able or willing to document the next abuse. Impunity becomes self-reinforcing. Violence narrows visibility, and narrowed visibility permits more violence.

This is why Gaza is not only a humanitarian disaster or battlefield. It is an epistemic battlefield: a struggle over whether reality can be independently known. The destruction of buildings, families, archives, universities, hospitals, media offices, and communication systems also destroys the infrastructure of memory. A society can be attacked not only in its bodies but in its capacity to prove what happened to those bodies.

The remedy begins with access, but it does not end there. Independent journalists must be allowed to enter. Local journalists must be protected. Communications must be preserved. Hospitals, civil defense workers, aid agencies, and human rights investigators must be able to document without intimidation. Archives must be secured. The dead must be named. Military claims must be tested by bodies outside the military itself. Courts and international institutions must treat restricted access not as a neutral logistical problem but as a factor that increases the need for scrutiny.

To see Gaza clearly is not to resolve every legal question in advance. It is to insist that no population should be bombed, starved, displaced, confined, or governed behind a veil of restricted observation. Visibility is not a favor granted by power. It is a condition of accountability. Where visibility is denied, impunity grows. Where impunity grows, apartheid and domination become easier to maintain.

Gaza therefore represents the most severe warning in the larger argument of this paper. Inside Israel, legal hierarchy can be exposed because some visibility remains. In Gaza, restricted visibility shows what happens when the world is forced to look through smoke, rubble, denial, and the cameras of people who may not survive the day. The struggle to see is inseparable from the struggle for equal human worth.

9. Courts, NGOs, Dissidents, and the Paradox of Partial Openness

Israel's system is difficult to analyze because it is neither a closed dictatorship nor a simple liberal democracy. It contains real arenas of contestation: courts, elections, newspapers, lawyers, universities, civil society organizations, protest movements, Palestinian political parties, Jewish dissidents, international journalists, and human rights groups. These institutions matter. They make Israel more visible than many authoritarian states and provide spaces in which inequality can be named, documented, litigated, and resisted. They also complicate any crude description of the state as uniformly totalitarian or politically silent.

Yet this partial openness creates a paradox. The very institutions that expose the system are often used to defend the system. Courts hear petitions, so defenders point to judicial review. Palestinian citizens vote, so defenders point to democracy. NGOs publish reports, so defenders point to freedom of speech. Journalists criticize the government, so defenders point to pluralism. Dissidents protest, so defenders point to civic vitality. Each of these facts is real, but none by itself proves equal belonging. A state may allow criticism while preserving hierarchy. It may allow minority participation while maintaining constitutional superiority for the dominant group. It may allow courts to review particular abuses while leaving the basic structure intact.

Partial openness therefore has two opposing effects. It gives critics evidence, language, documents, cases, testimony, and institutional footholds. At the same time, it gives defenders plausible examples of democracy and legality. The result is a public argument in which visibility does not automatically produce accountability. Instead, visibility becomes contested. The system is visible enough to be studied, but complex enough to be denied.

This is why courts, NGOs, and dissidents must be treated carefully. They are not decorations. They are not meaningless. Without them, the architecture of inequality would be far harder to see. Palestinian citizens, Israeli human rights lawyers, anti-occupation veterans, Jewish dissidents, journalists, academics, and international organizations have made enormous contributions to the documentary record. They have exposed land discrimination, military abuses, detention practices, settlement expansion, unequal planning, family separation, police violence, censorship, and the distinction between citizenship and national belonging.

But their existence does not erase the system they expose. On the contrary, their work often confirms that the system is real. A court petition challenging inequality is not evidence that equality already exists. A human rights report is not proof that the state respects human rights. A dissident protest is not proof that the protested structure is democratic in substance. The presence of resistance must not be confused with the absence of domination.

The paradox of partial openness is therefore central to modern apartheid. Old South Africa eventually became globally legible because its racial order was openly codified and brutally visible. Israel's system is more difficult because it contains both democratic mechanisms and hierarchical foundations. The task is not to deny the democratic mechanisms. The task is to ask what they can and cannot change. Do they transform the structure, or do they manage it? Do they produce equal belonging, or do they make unequal belonging more defensible? Do they expose domination, or do they provide a democratic vocabulary through which domination survives?

9.1. Why Israel is not a closed totalitarian state

Israel should not be described as a closed totalitarian state. Such a description would be inaccurate and analytically weak. Israel has competitive elections, active political parties, a vigorous press, independent civil society organizations, public protest, academic debate, and a judiciary that can sometimes constrain state action. Palestinian citizens of Israel participate in elections, form parties, litigate rights claims, publish criticism, and hold public positions. Jewish Israeli dissidents criticize occupation, militarism, religious coercion, corruption, and ethno-national supremacy. International journalists, scholars, and diplomats operate in the country, even if access varies sharply by territory and political context.

These facts distinguish Israel from states where dissent is nearly impossible, opposition parties are banned, courts are purely decorative, and journalists disappear into prisons without public process. The distinction matters because inaccurate exaggeration weakens the critique. If the argument requires pretending that Israel has no courts, no elections, no dissent, and no public debate, the argument will fail. The problem is not that Israel lacks all democratic forms. The problem is that those forms coexist with a structure of unequal national belonging and territorial domination.

This coexistence is precisely what makes the case important. Modern unequal-rights regimes do not always eliminate every democratic feature. They can preserve elections for some populations while denying equal rights to others. They can maintain courts while excluding certain questions from serious transformation. They can permit NGOs while attacking their legitimacy. They can allow dissent while treating the dissenters as marginal, foreign-influenced, disloyal, or dangerous. They can maintain civil liberties inside one zone while applying military rule, siege, or separate legal systems elsewhere.

Israel's relative openness has real consequences. It permits documentation that would otherwise be impossible. Israeli organizations such as B'Tselem, Adalah, Yesh Din, Breaking the Silence, Physicians for Human Rights Israel, HaMoked, and others have produced records that international observers rely upon. Palestinian organizations and civil society groups have documented conditions from within affected communities. Israeli journalists and academics have challenged official myths. Former soldiers, officials, intelligence figures, and diplomats have sometimes acknowledged realities that state propaganda tries to minimize.

This openness also allows internal moral conflict. Many Jewish Israelis sincerely oppose occupation, settlement expansion, racism, religious coercion, and the erosion of democratic norms. Some defend a civic vision of equality. Some seek binational, confederal, federal, or rights-based alternatives. Some oppose apartheid language but still recognize severe injustice.

Israeli society is not a single ideological block. It contains conflict, conscience, denial, courage, fear, nationalism, racism, liberalism, and dissent.

Yet partial openness must not be allowed to obscure structural power. The existence of dissent does not mean dissent governs. The existence of courts does not mean courts define equality. The existence of Palestinian parties does not mean Palestinian citizens possess equal ownership of the state. The existence of NGOs does not mean the state accepts their conclusions. A system can allow criticism while continuing to operate.

This is why the phrase “not totalitarian” is not equivalent to “fully democratic.” There are many political forms between closed dictatorship and equal democracy. A state may be democratic for the dominant group, liberal in some internal procedures, illiberal in its constitutional identity, military-colonial in occupied territory, and exclusionary toward those outside the preferred national people. The challenge is to describe this mixture accurately.

Israel’s partial openness therefore strengthens the need for precise analysis. It prevents simplistic caricature, but it also makes available the evidence necessary for a deeper critique. The system can be studied because it is not fully closed. But what the study reveals is not equal citizenship. It reveals a state in which democratic mechanisms coexist with ethno-national hierarchy.

9.2. How courts expose and preserve the system

Courts play a double role in Israel’s political order. They expose the system by creating public records, hearing petitions, publishing decisions, and forcing the state to articulate its justifications. At the same time, they can preserve the system by treating foundational hierarchy as legitimate, by narrowing remedies, by deferring to security claims, or by resolving individual cases without transforming the structure that produced them. The court becomes both a window and a wall.

The value of the courts as a window should not be dismissed. Litigation has revealed important facts about land, planning, detention, nationality, citizenship, military policy, family unification, equality, and administrative classification. Petitioners force ministries to answer. Lawyers obtain documents. Judges ask questions. Decisions create records that journalists, scholars, and activists can analyze. Even losses may expose the logic of the state. A rejected petition can be as revealing as a successful one if it shows which forms of equality the legal order refuses to recognize.

The nationality cases illustrate this point. When citizens sought recognition of a common Israeli nationality, the legal process exposed the depth of the state’s refusal. The court did not treat the issue as a simple clerical change. It recognized that the request implicated the identity of

the state itself. In rejecting the claim, the legal system revealed that Israeli citizenship does not automatically create Israeli nationality. The loss made the structure visible.

The Nation-State Law litigation similarly shows the double role of courts. Challenges to the law brought into public view the tension between Jewish national exclusivity and democratic equality. The very act of litigation forced discussion of whether a Basic Law could constitutionalize Jewish supremacy while preserving democratic legitimacy. Yet the court's refusal to invalidate the law also demonstrated the limits of judicial intervention when hierarchy is embedded at the constitutional level. The court could interpret, qualify, and contextualize, but it did not replace exclusive Jewish national self-determination with equal civic nationhood.

This is the preservation function. Courts often operate within the state's foundational assumptions. They may correct excesses, require procedural fairness, demand proportionality, or limit certain abuses. But they may also accept the basic categories that generate inequality: Jewish statehood, security necessity, demographic concern, military authority, settlement realities, emergency frameworks, or communal jurisdiction. When the foundations are unequal, procedural review can make inequality more orderly without making it equal.

Security deference is especially important. Courts in many states defer to the executive and military during conflict. In Israel, where security is a constant language of governance, this deference has broad consequences. Restrictions on movement, detention, house demolitions, family unification, military operations, land seizure, and access rules can all be defended through security claims. Courts may review such claims, but the state often possesses informational advantages. Secret evidence, intelligence assessments, operational necessity, and military expertise limit the court's willingness or ability to challenge the underlying policy.

This does not mean courts are irrelevant. A court order may save a home, release a detainee, require a route change, demand a state response, or preserve evidence. For the people affected, such outcomes matter profoundly. But the structural question remains: do the courts dismantle the hierarchy, or do they regulate it? In many cases, they regulate it.

Judicial review can also serve international legitimacy. The state can point to the courts as proof that abuses are not unchecked. Foreign governments and legal bodies may treat the existence of judicial review as evidence of domestic accountability. But if review rarely challenges the deepest structures, the court's legitimacy may shield the system more than it transforms it. Law becomes a language through which domination is disciplined, not abolished.

The court's double role should not lead to cynicism. It should lead to realism. Courts are arenas of struggle, not pure instruments of justice or pure instruments of oppression. They can expose, mitigate, delay, preserve, legitimate, and sometimes correct. Their meaning depends on what

they are allowed to question. A court that cannot recognize equal national belonging cannot produce full equality by procedural means alone.

9.3. The role of Palestinian citizens, Israeli dissidents, and rights groups

The documentary record on Israeli inequality exists because people inside the system have refused silence. Palestinian citizens have challenged discrimination in courts, politics, journalism, academia, municipal life, cultural work, and public protest. Israeli Jewish dissidents have rejected the claim that Jewish safety requires permanent domination over Palestinians. Human rights organizations have gathered testimony, mapped land policy, tracked detention, documented military violence, challenged discriminatory laws, and translated local realities into international legal language.

This internal resistance is crucial because it prevents the state from controlling the entire narrative. A state can dismiss foreign critics as ignorant, antisemitic, hostile, or politically motivated. It is harder to dismiss Palestinian citizens describing their own legal status, or Israeli veterans describing occupation practices, or Israeli lawyers documenting discriminatory law, or local human rights investigators preserving records of demolition, detention, settlement violence, and restricted movement. Internal witnesses complicate denial.

Palestinian citizens occupy a particularly important position because they expose the limits of Israeli democracy from within. They are citizens, and therefore their inequality cannot be dismissed as merely external conflict. Their status forces the question of whether the state belongs equally to all citizens. When Palestinian citizens challenge land restrictions, budget discrimination, policing failures, family separation, language demotion, the Nation-State Law, or the refusal of common nationality, they reveal that the problem is not confined to the West Bank or Gaza. The hierarchy also operates inside the recognized state.

Their political participation is often used against the apartheid argument. Defenders point to Palestinian parties, parliamentarians, judges, doctors, students, and professionals as proof that apartheid cannot exist. But this argument mistakes participation for equality. A minority may participate in institutions without possessing equal national ownership. Indeed, participation can become evidence of the system's complexity rather than its innocence. The Palestinian citizen is visible enough to be included, but not equal enough to define the state.

Israeli Jewish dissidents play a different but related role. Because the state claims to act in the name of Jewish peoplehood, Jewish dissent challenges the assumption that Jewish safety and Jewish supremacy are identical. Anti-occupation soldiers, historians, lawyers, rabbis, journalists, activists, and academics show that opposition to domination is not opposition to Jewish life. This matters morally and strategically. It breaks the state's attempt to merge criticism of policy with hostility to Jews as a people.

Rights groups provide the infrastructure of visibility. They gather facts over time. They preserve records when public attention moves elsewhere. They connect individual cases to patterns. They translate suffering into legal categories. They monitor court decisions, military orders, planning maps, prison conditions, settlement expansion, and legislative changes. Their work allows outsiders to see the system not as a series of disconnected events but as an architecture.

This work is often attacked precisely because it is effective. Organizations that document inequality may be accused of aiding enemies, delegitimizing the state, serving foreign interests, or endangering soldiers. Palestinian organizations may be criminalized or smeared. Jewish Israeli critics may be denounced as traitors or self-hating. International human rights groups may be accused of bias. Such attacks are part of the politics of visibility. If the witness cannot be silenced, the witness can be discredited.

The role of rights groups also shows why visibility is cumulative. One report rarely changes a system. But decades of documentation create an archive that denial cannot easily erase. Court filings, maps, affidavits, photographs, interviews, casualty records, legal databases, and field investigations build a memory of the regime. The archive is a form of resistance because it prevents power from turning each abuse into an isolated misunderstanding.

At the same time, civil society has limits. NGOs cannot vote in place of the disenfranchised. Reports cannot stop bulldozers by themselves. Legal advocacy cannot fully overcome constitutional hierarchy. Testimony cannot guarantee accountability. Dissidents may expose the system while remaining politically marginal. The existence of brave witnesses does not mean the state listens to them.

Their significance is therefore evidentiary and moral, not proof of equality. They show that the system is contested. They show that many people inside Israel and Palestine understand the hierarchy clearly. They show that the state's official narrative is not the only narrative. Most importantly, they show that partial openness makes truth possible, even when justice remains blocked.

9.4. Openness as both democratic evidence and reputational vulnerability

Openness is ambiguous. It is evidence of democratic capacity, but it is also a source of reputational vulnerability. Israel's courts, journalists, NGOs, dissidents, elections, and protests allow defenders to argue that the state is fundamentally democratic. Yet those same institutions generate the evidence that critics use to argue that the democracy is partial, ethnocratic, or structurally unequal. Openness both protects and endangers the state's image.

This ambiguity is central to Israel's international standing. A fully closed regime can hide abuses more easily but lacks democratic credibility. A partially open regime gains credibility, but the price of credibility is exposure. Israel has long benefited from presenting itself as a liberal

democracy in a hostile region. That image depends on visible institutions: elections, courts, press debate, universities, technology, civil society, and public dissent. But these same institutions make it possible for critics to document the gap between democratic appearance and unequal reality.

Reputational vulnerability grows when internal documentation aligns with external criticism. If only foreign activists used apartheid language, the state could more easily dismiss the charge as hostile propaganda. When Israeli and Palestinian human rights organizations, international NGOs, former officials, scholars, journalists, and legal experts converge on similar patterns of analysis, denial becomes harder. The critique no longer comes only from outside. It emerges from the system's own documentary record.

This is why the state and its defenders often fight over legitimacy rather than facts alone. Human rights organizations may be labeled biased. Foreign funding may be attacked. Palestinian testimony may be treated as suspect. International law may be dismissed as politicized. University critics may be accused of ideological hostility. Journalists may be charged with selective attention. The goal is not only to refute specific claims but to weaken the credibility of the institutions that make the system visible.

Openness also creates a performance problem. A state that claims democratic status is judged by democratic standards. It cannot easily claim both exceptional democratic legitimacy and exemption from equality. If it asks to be treated as a liberal democracy, then its nationality law, land policy, military occupation, press restrictions, and treatment of Palestinian citizens are judged against liberal democratic principles. The more Israel invokes democracy, the more critics can ask: democracy for whom, within which borders, under what categories, and with what national equality?

The separation between Israel proper, the West Bank, East Jerusalem, and Gaza complicates this performance. Defenders may describe Israel inside its recognized borders as democratic while treating the occupied territories as separate, temporary, or security-driven. But the longer occupation persists, the less persuasive this separation becomes. A temporary occupation lasting generations begins to look like a permanent regime. A state cannot indefinitely control millions of people while denying that their political condition reflects the nature of the state's rule.

Partial openness makes this contradiction visible. Israeli documents, court cases, military orders, settlement maps, rights reports, parliamentary statements, and official planning decisions reveal continuity across supposedly separate zones. Legal regimes differ, but the same state distributes rights, movement, land, and security between Jews and Palestinians. The democratic image depends on compartmentalization; the documentary record undermines it.

Openness also affects Jewish communities worldwide. Israel claims to act as the nation-state of the Jewish people, including Jews outside Israel. But global Jewish communities are diverse, and many Jews reject occupation, racism, settlement supremacy, and the conflation of Jewish identity with state violence. Israeli openness allows these debates to occur publicly. It also increases the moral burden on those who defend the state uncritically. The more visible the system becomes, the harder it is to claim ignorance.

For Palestinians, openness is both opportunity and frustration. It allows them to speak, litigate, organize, and document. But it also exposes the limits of speech without power. The world may know and still fail to act. Courts may hear and still refuse transformation. Reports may circulate and still be ignored. Visibility is necessary for accountability, but it is not sufficient. A visible injustice can still persist if powerful actors choose to tolerate it.

This is the paradox of partial openness in its sharpest form. Israel's openness makes the system contestable, but not yet dismantled. It gives critics evidence, but gives defenders democratic examples. It exposes inequality, but allows the state to claim that exposure itself proves freedom. It creates spaces of courage, but also spaces of managed legitimacy.

The conclusion is not that openness is meaningless. It is that openness must be judged by what it can change. A democracy is not proven by the existence of criticism if the criticized hierarchy remains intact. A court is not proof of equality if it preserves unequal foundations. An NGO sector is not proof of justice if its reports document systematic injustice year after year. Minority participation is not proof of shared sovereignty if the state's national identity excludes that minority from equal ownership.

Partial openness is therefore both a crack in the system and part of the system's defense. It lets the light in, but it also lets the state say that light proves there is no darkness. The task of analysis is to refuse that confusion. The light matters because it shows what is there.

10. Public Relations, Legal Complexity, and International Perception

Every state tells a story about itself. The more controversial the state's conduct, the more carefully that story must be managed. Public relations is not merely advertising. It is the political art of selecting vocabulary, framing context, assigning blame, elevating some facts, burying others, and teaching foreign audiences how to interpret what they see. In the Israeli case, public relations has long been inseparable from law, security, memory, and international legitimacy. Israel has presented itself as a democracy under siege, a refuge for a persecuted people, a Western ally, a technological success, a legal state, and a necessary military actor in a hostile region. Each of these claims contains elements of truth. Each can also be used to obscure domination.

This is the sophistication of the Israeli model. It does not usually defend inequality as inequality. It defends inequality as security, Jewish self-determination, counterterrorism, religious tradition, demographic survival, legal complexity, historical necessity, or administrative fact. The language shifts attention away from the hierarchy itself and toward the reasons the hierarchy is supposedly unavoidable. The listener is invited to see control not as domination, but as defense; separation not as apartheid, but as conflict management; Jewish privilege not as supremacy, but as national restoration; Palestinian exclusion not as dispossession, but as the consequence of rejectionism or violence.

Public relations works best when reality is complicated enough to slow moral judgment. Israel's system offers many layers of complexity: citizenship and nationality are not the same; Israeli law differs from military law in the occupied territories; Palestinian citizens differ from East Jerusalem residents; East Jerusalem residents differ from West Bank Palestinians; Gaza is governed through yet another structure; religious law governs marriage; land rules have long institutional histories; security claims are tied to real attacks; Jewish trauma is historically undeniable; Palestinian political leadership is divided; Hamas's crimes are real; antisemitism exists and can be exploited by critics of Israel. Complexity is therefore not invented from nothing. It is real. But real complexity can still be used as cover.

The public-relations problem becomes acute when visible events overwhelm explanatory vocabulary. For many years, Israel could rely on a familiar script: democracy, security, restraint, shared Western values, terrorism, peace offers, legal review, and unfortunate but necessary military action. That script did not persuade everyone, but it persuaded enough governments, media institutions, and publics to preserve diplomatic room. Gaza has strained and in many places broken that script. Mass civilian death, starvation, displacement, destruction of homes, hospitals, schools, universities, journalists, and entire neighborhoods cannot easily be absorbed into the older language of precision and restraint. When the visible reality becomes too large, public relations begins to look like denial.

This does not mean that image alone determines history. States can survive reputational collapse for long periods if they retain military power, strategic alliances, domestic cohesion, economic support, and diplomatic protection. But legitimacy matters. The more the system is seen clearly, the more expensive it becomes to defend. Public relations can delay accountability, confuse audiences, and divide critics. It cannot permanently erase a structure once the structure becomes visible enough.

10.1. The replacement of racial language with security language

Old apartheid spoke the language of race. Modern systems of domination prefer the language of security. Security language is powerful because it begins from a legitimate premise: states do

have a duty to protect people from attack. Israeli civilians have faced bombings, shootings, hostage-taking, rocket fire, massacres, and other forms of violence. Jewish history also makes the language of security emotionally and politically potent. No serious analysis should deny either the reality of antisemitism or the reality of violence against Israelis.

The problem arises when security becomes a total explanation. Once security is made supreme, almost every inequality can be redescribed as protection. Checkpoints become security. Walls become security. movement restrictions become security. Family separation becomes security. Siege becomes security. Surveillance becomes security. Administrative detention becomes security. Bombing becomes security. Press restrictions become security. Land seizures become security. The word does not merely describe a threat; it authorizes a system.

Security language is especially effective because it individualizes Palestinian violence while structuralizing Israeli force as defense. A Palestinian attack is presented as evidence of Palestinian political culture, hatred, incitement, or terrorism. Israeli violence is presented as response, necessity, deterrence, or counterterrorism. One side acts; the other reacts. This framing makes the underlying structure disappear. Occupation, blockade, settlement, expulsion, inequality, and statelessness recede behind the immediate security event.

The replacement of racial language with security language also protects the state from the South Africa comparison. Israel does not usually say that Palestinians are biologically inferior or that Jews have a racial right to dominate them. Instead, the state and its defenders emphasize terrorism, regional hostility, Jewish vulnerability, military necessity, and existential threat. This makes the system appear unlike old apartheid at the level of vocabulary. But the relevant question is not whether the vocabulary is identical. The question is whether the effect is durable domination by one group over another.

Security can be real and still be misused. A real attack can be used to justify unlawful retaliation. A real armed group can be used to punish a civilian population. A real threat can be used to maintain a permanent emergency. A real fear can be used to deny another people freedom. The existence of danger does not settle the question of rights. It only explains why the argument is emotionally powerful.

Security language also has the advantage of urgency. Equality can be postponed because security is immediate. Civil rights can wait. Land justice can wait. freedom of movement can wait. family reunification can wait. Gaza reconstruction can wait. Palestinian statehood can wait. Accountability can wait. The emergency becomes permanent, and the permanent emergency becomes the normal form of rule.

This is how security language can replace racial language while preserving hierarchy. It does not need to say that Palestinians are inferior. It only needs to say that Palestinians are dangerous.

Once a population is defined primarily as danger, restrictions on that population appear rational rather than discriminatory. Domination becomes risk management.

The challenge is to restore structure to the analysis. Security incidents must be examined, but they must not erase the system in which they occur. A state cannot claim permanent exemption from equality by invoking permanent danger, especially when its own policies help produce the conditions of violence. The question is not whether security matters. It is whether security has become the master word that prevents justice from being spoken.

10.2. Bureaucracy as reputational armor

Bureaucracy can protect a state's reputation by making domination appear administrative. A direct statement of supremacy is easy to condemn. A registry category, planning rule, military permit, personal-status jurisdiction, zoning boundary, land authority, closed military zone, security assessment, or residency revocation is harder to explain. The audience must learn the system before it can judge the system. This delay benefits power.

Israel's legal architecture is dense. A person seeking to understand it must move through Basic Laws, ordinary statutes, military orders, Ottoman land categories, British Mandate inheritances, rabbinical jurisdiction, Islamic courts, church courts, Druze courts, population registry categories, absentee property rules, planning committees, settlement governance, residency law, emergency regulations, and Supreme Court decisions. Each element has its own history and vocabulary. The system is legible, but not simple.

This complexity creates reputational armor. When critics describe apartheid, defenders can challenge the comparison by pointing to distinctions: Palestinian citizens vote; Gaza is not formally annexed; the West Bank is disputed; Israel withdrew settlers from Gaza; Hamas rules Gaza internally; security threats are real; Arab judges and doctors exist; religious law predates the state; land disputes are legally complex; courts hear petitions. Some of these points are factually relevant. But when used selectively, they obscure the cumulative architecture.

Bureaucracy also fragments moral responsibility. No single official appears to be imposing the whole system. A clerk records nationality. A planning committee denies a permit. A religious court controls marriage. A military commander closes a road. A ministry refuses family unification. A land body administers leases. A court approves proportionality. A spokesperson cites security. Each action appears limited. Together they produce domination.

This fragmentation is one of modern apartheid's strongest defenses. The old South African sign saying "whites only" announced the hierarchy in one sentence. The modern system may require a legal seminar. That does not make it less real. It makes it more difficult to name quickly. A hierarchy that takes longer to explain is still a hierarchy.

Bureaucracy also makes the victim appear as the violator. A Palestinian home is illegal because no permit was granted. A village is illegal because it is unrecognized. A family is divided because it fails security criteria. A person cannot marry because religious law does not allow it. A refugee cannot return because immigration law does not recognize the claim. A journalist cannot enter Gaza because conditions are unsafe. In each case, the state presents itself as enforcing rules rather than producing injustice.

The moral reversal is profound. The person denied a route to legality becomes illegal. The community denied recognition becomes unauthorized. The family denied unity becomes a security risk. The citizen denied equal nationality becomes an administrative anomaly. The population denied freedom becomes a threat requiring management. Bureaucracy turns political domination into procedural order.

This is why visibility must include administrative visibility. It is not enough to photograph walls and ruins. One must read forms, statutes, maps, court opinions, zoning plans, registry practices, and military orders. The paperwork is part of the architecture. It is where domination learns to speak politely.

Bureaucracy does not eliminate brutality. It prepares the ground for it. A demolition can be called enforcement because a permit was impossible to obtain. A siege can be called regulation because crossings are administered. A discriminatory land regime can be called planning because maps have legal authority. The spectacular act and the quiet file belong to the same system.

Reputational armor works only as long as audiences remain unwilling to connect the parts. Once the parts are connected, bureaucracy changes meaning. It no longer appears as neutral administration. It appears as the machinery through which unequal belonging is made durable.

10.3. The global audience and the management of democratic appearance

Israel's international legitimacy depends heavily on the management of democratic appearance. The state presents itself as a democracy in a region often described as authoritarian, unstable, or hostile. It emphasizes elections, courts, press freedom, women in public life, LGBTQ visibility in some spaces, technological innovation, universities, medical excellence, cultural production, and alliance with Western governments. These features matter, and many are real. But democratic appearance becomes misleading when it is allowed to substitute for equal political structure.

The central question is always: democracy for whom, and within what boundaries? If one looks only at Jewish Israeli citizens, Israel may appear as a contentious but functioning democracy. If one includes Palestinian citizens, the picture becomes more unequal but still formally electoral. If one includes East Jerusalem, the West Bank, Gaza, and refugees, the democratic claim

becomes far more fragile. The state exercises decisive power over millions of Palestinians who do not possess equal political rights in the system that controls their lives.

Public relations depends on controlling the frame. A narrow frame emphasizes Israel inside its recognized borders, its Jewish majority electorate, its courts, its start-up economy, and its pluralism. A broader frame asks how one state and its institutions distribute power from the river to the sea. The narrow frame produces democracy. The broader frame reveals domination. Much of the international debate is therefore a struggle over the frame itself.

The management of democratic appearance also depends on comparison. Israel is often compared to surrounding states and presented as freer, more open, more tolerant, and more lawful. Some of these comparisons may be accurate in specific respects. But relative openness does not answer the apartheid question. A state can be more open than its neighbors and still maintain a system of unequal rights. Democracy is not proven by being less authoritarian than someone else.

Another strategy is selective inclusion. Palestinian citizens who succeed in medicine, law, academia, sports, entertainment, or politics are presented as proof that the system is open. Their achievements are real and often remarkable. But minority success stories do not establish structural equality. In many unequal systems, subordinated groups produce exceptional individuals who navigate, resist, or partially overcome barriers. Their presence may complicate the story, but it does not dissolve the hierarchy.

The same is true of courts and NGOs. The state can say that critics are free to criticize, that petitions are heard, and that human rights organizations operate. Again, these facts matter. But the existence of criticism does not prove that the criticized system is just. Indeed, the content of the criticism may be the strongest evidence of injustice. A democracy is not defined only by whether people may complain. It is defined by whether all who live under its power possess equal rights and equal political belonging.

The global audience is also shaped by memory. Jewish suffering, especially the Holocaust, gives Israel's self-presentation profound emotional force. Many foreign audiences rightly understand that Jewish vulnerability is not imaginary. But this memory can be used to shield present policy from scrutiny. Criticism of Israeli domination may be recoded as hostility to Jewish survival. The moral gravity of Jewish history is then used to weaken the moral visibility of Palestinian suffering.

This is one of the most sensitive and important distinctions in the debate. Jewish safety is a legitimate concern. Antisemitism is real. But Palestinian equality is also a legitimate demand. A state cannot permanently subordinate Palestinians by placing every challenge to its structure

under the shadow of antisemitism. To do so is to make Jewish trauma an instrument of Palestinian erasure, which is morally destructive for both peoples.

Democratic appearance also depends on media repetition. Certain phrases become automatic: Israel's right to defend itself, the only democracy in the Middle East, human shields, complex conflict, ancient hatred, disputed territory, security barrier, targeted operation, unfortunate civilian casualties. Such phrases do not always contain falsehoods, but they guide perception. They tell the audience what to notice and what to ignore.

The task of analysis is to interrupt automatic language. Instead of asking whether Israel has democratic features, one must ask whether those features produce equal sovereignty. Instead of asking whether Israel faces security threats, one must ask whether security has become the language of permanent domination. Instead of asking whether Palestinians sometimes participate in Israeli institutions, one must ask whether they share ownership of the state. Instead of asking whether the conflict is complex, one must ask what complexity is being used to conceal.

Democratic appearance is powerful because it is partly true. That is why it must be examined rather than dismissed. The strongest public relations are built from selected truths. The question is what those truths are made to hide.

10.4. Gaza, Netanyahu, and the collapse of the older script

Gaza has brought Israel's older public-relations script close to collapse in much of the world. For years, the state and its defenders could combine several themes with considerable success: Israel wants peace; Israel acts with restraint; Israel is forced into war by terrorism; Israel uses precision; civilian casualties are tragic but unintended; critics ignore Israeli suffering; the army investigates itself; the courts provide accountability; and no other country would behave better under similar threats. This script was never universally accepted, but it was effective enough to preserve Western diplomatic protection.

The destruction of Gaza has overwhelmed that language. The scale of death, displacement, starvation, infrastructural collapse, hospital destruction, journalist deaths, mass graves, ruined universities, destroyed neighborhoods, and repeated evacuation orders has made the vocabulary of restraint sound increasingly detached from visible reality. The more the devastation grows, the harder it becomes to persuade global audiences that they are seeing a limited, precise, defensive operation. At some point, the image defeats the caption.

Benjamin Netanyahu's role is central because he embodies the fusion of security politics, ethno-nationalism, legal crisis, and public-relations hardening. Netanyahu has long been one of the most skilled communicators in Israeli political history. He understands American media, Holocaust memory, terrorism discourse, congressional politics, evangelical support, and the

language of existential threat. For decades, he helped refine the external vocabulary of Israeli legitimacy. Yet under his leadership, Gaza has become the event that shreds much of that vocabulary.

This does not mean Netanyahu alone created the system. The structures analyzed in this paper predate him: citizenship without equal nationality, religious personal-status law, land hierarchy, occupation, settlement, blockade, and the fragmentation of Palestinians across legal categories. Focusing only on Netanyahu would be a mistake because it would imply that the problem is merely one leader's extremism. He did not invent the architecture. But he has intensified, exposed, and personalized it in ways that have made denial more difficult.

The older script depended on maintaining a gap between structure and event. Israel could be discussed as a democracy in general, while particular abuses were treated as exceptions, emergencies, or regrettable consequences of conflict. Gaza has narrowed that gap. The event now reveals the structure. The blockade, the denial of Palestinian sovereignty, the power to control access, the hierarchy of credibility, the devaluation of Palestinian life, and the impunity of military force are no longer background conditions. They are visible in the foreground.

Netanyahu also damaged the script by aligning Israeli politics with openly supremacist and annexationist forces. When ministers and coalition partners speak in language of transfer, conquest, Jewish exclusive sovereignty, or Palestinian erasure, it becomes harder to maintain the image of reluctant liberal democracy. The mask slips not only through military action but through speech. Public relations depends on disciplined language. Extremist language reveals the ideological center that more polished messaging tries to hide.

Gaza has also changed generational perception. Younger audiences, including many Jews and many Americans, often receive images and testimony through social media rather than through older institutional filters. They see destruction directly, even if imperfectly. They compare official statements to videos from hospitals, refugee camps, ruins, and grieving families. They are less persuaded by inherited phrases and more willing to use terms such as apartheid, genocide, settler colonialism, ethnic cleansing, and supremacy. Whether each term is legally established in every context is debated, but the shift in vocabulary itself signals a legitimacy crisis.

The collapse of the older script is not total. Israel retains powerful allies, military support, diplomatic protection, media defenders, lobbying networks, and domestic public backing in many quarters. Governments often move more slowly than publics. Strategic interests can outweigh moral pressure. Accusations of antisemitism can still chill criticism. Hamas's crimes continue to shape perceptions. Many people remain committed to defending Israel regardless of Gaza's destruction. Public relations is weakened, not dead.

But a threshold has been crossed. The system is harder to conceal because Gaza has made its logic visible at catastrophic scale. Restricted press access itself has become part of the story. The killing and endangerment of journalists have become part of the story. Starvation has become part of the story. The inability or unwillingness of allied governments to stop the destruction has become part of the story. The contrast between official language and visible reality has become too large for the old script to contain.

This is why Gaza matters beyond Gaza. It exposes the relationship between public relations and domination. For years, legal complexity and security vocabulary helped obscure the structure. Gaza has forced the world to ask whether those explanations were ever adequate. If a system produces this level of destruction while still describing itself as restrained, lawful, democratic, and defensive, then the language itself must be examined as part of the system.

The collapse of the script does not guarantee accountability. Many regimes have survived moral exposure. But exposure changes the future. It alters what can be said, what can be denied, what young people believe, what institutions must answer, what courts may hear, what archives will preserve, and what historians will later write. Once the image defeats the caption, public relations can no longer restore innocence. It can only contest blame.

Gaza has made visible what legal complexity long obscured: a regime of unequal human worth. The older script asked the world to see Israel primarily as a democracy defending itself. Gaza has forced the world to see a state exercising overwhelming power over a trapped and stateless population. That shift in perception is not merely reputational. It is historical.

11. Naming Apartheid: Law, Morality, and Political Consequence

The word apartheid is not merely descriptive. It is accusatory, legal, historical, moral, and political. To use it is to say that inequality is not accidental, temporary, local, or incidental. It is to say that a governing system exists in which one group dominates another through law, territory, movement control, political hierarchy, and institutionalized separation. This is why the term provokes such intense resistance. It does not simply criticize policy. It challenges the legitimacy of the regime itself.

In the Israeli-Palestinian context, the word apartheid has moved from activist slogan to mainstream legal and human rights vocabulary. Major human rights organizations, Palestinian scholars, Israeli dissidents, international lawyers, former officials, journalists, and historians have increasingly used it to describe the system of Israeli rule over Palestinians. The term is applied in different ways: some use it primarily for the occupied territories; others apply it to the entire regime between the Jordan River and the Mediterranean Sea; others include Palestinian refugees and exile because the denial of return is part of the same structure. These

differences matter, but they all arise from the same central question: does Israel maintain a system of Jewish domination over Palestinians?

The answer depends on what one means by apartheid. If apartheid is treated only as the exact replication of old South Africa, then the Israeli case will always differ. Israel has its own history, its own legal categories, its own security context, its own religious structure, its own citizenship distinctions, and its own territorial fragmentation. But if apartheid is understood as a legal and structural category, then exact duplication is unnecessary. The relevant question becomes whether there is an institutionalized regime of domination, whether the domination is organized along racial, national, ethnic, or similar group lines, whether inhumane acts sustain the regime, and whether the regime is maintained intentionally.

This paper argues that the apartheid framework is not only rhetorically powerful but analytically necessary. Without it, the many elements described earlier may appear disconnected: nationality law, population registry, civil marriage, land planning, settlement, military rule, Gaza blockade, press restrictions, and differential citizenship. The term apartheid connects these elements into a single structure. It explains why the same pattern appears across different legal zones. It reveals that the issue is not one policy or one government, but a regime of unequal belonging.

Still, naming must be careful. Apartheid should not be used as a casual insult or as a substitute for evidence. It must be grounded in law, facts, structure, and intent. The word carries historical weight because South Africans suffered under a system that made racial hierarchy a complete order of life. To use the term responsibly is not to flatten history but to learn from it. Apartheid names a form of rule in which domination is institutionalized and defended as normal.

Naming apartheid has consequences. It changes the obligations of states, institutions, courts, universities, corporations, churches, unions, and civil society. If the problem is merely a peace-process failure, the remedy may be negotiation. If the problem is occupation, the remedy may be withdrawal. If the problem is discrimination, the remedy may be reform. But if the problem is apartheid, the remedy must be dismantling. That is why the word matters.

11.1. Apartheid as a legal category

Apartheid is not only a historical analogy to South Africa. It is a legal category in international law. This distinction is essential. Many people assume that apartheid means South Africa and nothing else. But international law converted apartheid into a more general crime because the world recognized that institutionalized domination by one group over another could reappear in different forms. The crime is not limited to Afrikaans terminology, South African statutes, or twentieth-century racial categories.

As a legal category, apartheid requires more than discrimination. Discrimination may be severe, but apartheid refers to a system. The system must involve institutionalized oppression and domination by one group over another. It must include serious rights violations or inhumane acts. It must be maintained intentionally. The law therefore asks structural questions: Who controls whom? Through what institutions? With what rights differences? Over what territory? Through what forms of coercion? With what purpose?

This legal frame is especially important in the Israeli-Palestinian case because the system is fragmented across legal zones. Palestinian citizens of Israel, East Jerusalem Palestinians, West Bank Palestinians, Gaza Palestinians, and Palestinian refugees do not all have the same status. That fragmentation is often used to defeat the apartheid argument. Defenders point out that Palestinian citizens can vote, that Gaza is ruled internally by Hamas, that the West Bank has the Palestinian Authority, that East Jerusalem has a different residency regime, and that refugees are outside the state. Each fact is relevant. But fragmentation may also be part of the system.

A legal apartheid analysis asks whether these differences are merely administrative or whether they help maintain domination. If one population is divided into citizens, residents, occupied subjects, besieged people, and exiles, while another population enjoys unified national privilege, the fragmentation itself becomes evidence. The question is not whether every Palestinian experiences identical treatment. The question is whether the differences among Palestinians help preserve Jewish-Israeli control over land, demography, movement, and political power.

The legal category also requires attention to inhumane acts. These may include forcible transfer, denial of basic rights, severe restrictions on movement, arbitrary detention, persecution, expropriation, denial of residence, family separation, and other acts that maintain the regime. In the Israeli-Palestinian context, such acts have been documented across decades: settlement expansion, home demolitions, movement restrictions, administrative detention, siege, denial of return, land confiscation, unequal planning, military law, and large-scale violence in Gaza. Each must be analyzed carefully, but the legal question is cumulative.

Intent is often the most contested element. Defenders may argue that Israeli policies are driven by security, not domination. But intent in law is not limited to explicit confession. It can be inferred from laws, policies, official statements, long-term patterns, institutional design, and foreseeable consequences. A state does not need to say, “we intend apartheid,” for intent to be examined. If policy persistently maintains one group’s superior control over another, intent may be inferred from structure.

Security does not automatically defeat the legal analysis. A state may face real security threats and still commit crimes. Legal systems routinely examine whether force, restriction, detention,

and discrimination are necessary, proportionate, nondiscriminatory, and temporary. The permanent transformation of security into a governing regime is precisely what requires scrutiny. If security becomes the language through which domination is maintained indefinitely, it cannot remain legally unquestioned.

The legal category of apartheid is therefore demanding but not impossible to apply. It does not require identical benches, signs, or passbooks. It requires a regime. The argument of this paper is that the Israeli system, taken as a whole, displays the core features of such a regime: privileged Jewish national belonging, Palestinian fragmentation, unequal land policy, differentiated legal status, movement control, denial of return, military domination, and restricted visibility. The legal name for such a system cannot be avoided merely because its mechanisms differ from South Africa's.

11.2. Apartheid as a moral and historical analogy

Apartheid is also a moral and historical analogy. Analogies are powerful because they allow people to recognize patterns across different cases. They are dangerous because they can oversimplify. The South African analogy must therefore be used with care. Israel is not South Africa in every detail. Jews are not Afrikaners. Palestinians are not black South Africans in every respect. Zionism is not identical to Afrikaner nationalism. The Holocaust has no equivalent in South African settler history. The regional security context differs. The legal structures differ. The demographic history differs. The religious dimension differs.

But difference does not defeat analogy. An analogy does not claim identity. It claims patterned resemblance. The relevant resemblance is the durable organization of political power by group identity, the separation of populations, the privileging of one group's land and movement, the denial of equal political belonging to another group, and the use of law to make hierarchy appear normal. On those points, the comparison is not superficial.

The moral force of the South African analogy lies in the recognition that apartheid was not merely a collection of bad policies. It was a regime of human ranking. It told one group that the state was theirs and told another group that they could exist only under terms set by the dominant power. The oppressed were not merely inconvenienced. They were made politically inferior. Their movement, residence, family life, work, land, and future were subject to another group's control.

The Israeli-Palestinian case raises the same moral question: can one people's national project justify the permanent subordination of another people? Jewish history makes the question agonizing, but it does not erase it. A people that has suffered persecution has a right to safety, memory, and collective life. But no people has the right to secure itself by denying another

people equal human and political worth. The moral tragedy is that Jewish vulnerability has been used to justify Palestinian vulnerability.

The analogy also helps explain international response. South Africa taught the world that internal legal systems can be profoundly unjust even when they are orderly, bureaucratic, and defended by courts. It taught that legality is not the same as legitimacy. It taught that states may claim sovereignty while committing crimes against the people they govern. It taught that international pressure, boycotts, sanctions, cultural isolation, and moral naming can matter when domestic law protects domination.

For Palestinians, the apartheid analogy affirms that their experience is not an unfortunate side effect of conflict but a structure. It says that the checkpoint, the demolition order, the blocked permit, the separate road, the settlement, the registry category, the military court, the siege, and the denial of return belong to one system. The term allows suffering to become intelligible as domination rather than as chaos.

For Israelis and Jews, the analogy is often heard as existential accusation. Many experience it as a denial of Jewish self-determination, a rewriting of Jewish history, or an attempt to equate Zionism with white supremacy. That reaction must be understood, but it cannot be allowed to decide the analysis in advance. The pain caused by the term does not prove the term false. Nor does the history of antisemitism mean that a Jewish state is incapable of committing apartheid.

The analogy is morally useful because it refuses exceptionalism. It says that Jewish suffering does not place Israel outside the standards applied to other states. It says that democracy cannot be defined only for the dominant group. It says that historical trauma cannot authorize permanent hierarchy. It says that the oppressed have the right to name the structure that governs them.

At the same time, the analogy must not erase Palestinian specificity. Palestinians are not simply “the new black South Africans.” Their history includes Ottoman rule, British Mandate politics, Zionist immigration, the Nakba, refugee exile, military occupation, Arab state failures, Palestinian political divisions, Israeli settlement, Gaza blockade, and global diplomatic abandonment. The apartheid analogy should illuminate this history, not replace it.

The best use of the analogy is therefore disciplined and structural. It does not ask whether Israel looks exactly like South Africa. It asks whether the moral logic of group domination has reappeared in a different legal and historical form. This paper’s answer is yes.

11.3. Objections to the apartheid label

The apartheid label faces serious objections, and a responsible paper must address them directly. The first objection is that Israel is a democracy with Palestinian citizens who vote, serve

in parliament, work in public institutions, and participate in civil society. This objection identifies real facts, but it does not resolve the question. Apartheid analysis does not require that every member of the subordinated group be excluded from every institution. The issue is whether the political order as a whole grants equal belonging and equal rights. Participation can coexist with hierarchy.

The second objection is that Israel's policies are motivated by security rather than racial or national domination. Israel has faced real attacks, including atrocities against civilians. This fact must be acknowledged. But security motive and domination are not mutually exclusive. A state may invoke security sincerely in some cases and opportunistically in others. It may face real threats while also maintaining an unjust regime. The question is whether security restrictions are temporary, necessary, proportionate, and nondiscriminatory, or whether they have become permanent instruments of control over a subordinated population.

The third objection is that Palestinians are not a race and Jews are not a race in the South African sense. This objection misunderstands the development of international law. Apartheid law is concerned with group domination through racialized, ethnic, national, or similar classifications. The term racial in international law is not limited to nineteenth-century biological race theories. It often includes descent, ethnicity, national origin, and socially constructed group identity. In Israel-Palestine, Jews and Palestinians are treated as political-national groups whose rights, movement, land access, and collective status differ systematically.

The fourth objection is that the comparison erases Jewish indigeneity, exile, persecution, and historical connection to the land. This concern deserves attention. Jewish connection to the land is real, and Jewish historical vulnerability is real. But recognition of Jewish history does not answer the question of Palestinian equality. Two peoples may have deep claims to the same land. The moral and legal problem arises when one people's claim is institutionalized as superior and the other people's claim is subordinated or denied.

The fifth objection is that apartheid language delegitimizes Israel's existence. This depends on what one means by Israel's existence. If Israel's existence means the physical safety and collective flourishing of Jews and all others living there, the apartheid critique does not require its destruction. If Israel's existence means the permanent constitutional supremacy of Jewish nationality over Palestinians, then equality would indeed transform that state model. A demand to dismantle apartheid is not a demand to harm Jews. It is a demand to end a structure of domination.

The sixth objection is that Palestinian leadership, including Hamas, has committed grave crimes and bears responsibility for Palestinian suffering. This is true in part but incomplete. Hamas's crimes against Israeli civilians, repression inside Gaza, hostage-taking, authoritarian practices,

and militarization of civilian space all require condemnation. The Palestinian Authority's failures, corruption, and repression also matter. But the crimes or failures of Palestinian actors do not erase Israel's obligations as the dominant military and state power. Apartheid analysis concerns the structure of rule, not the moral innocence of every member or leader of the oppressed group.

The seventh objection is that Israel withdrew settlers from Gaza, so Gaza cannot be evidence of apartheid. This argument focuses narrowly on permanent ground presence. Control can exist without settlers living inside the territory. Control over borders, airspace, sea access, population registry, imports, exports, movement, military operations, and survival infrastructure can produce domination even after internal redeployment. The question is not only where soldiers sleep. It is who controls life chances.

The eighth objection is that the term apartheid is inflammatory and prevents dialogue. But moral clarity often sounds inflammatory to those invested in ambiguity. South African apartheid was also defended through calls for balance, gradual reform, dialogue, and sensitivity to white fears. Dialogue can be valuable, but dialogue that refuses to name domination becomes a method of delay. The problem is not that the term apartheid ends discussion. The problem is that without such a term, discussion may never reach the structure.

The ninth objection is that criticism of Israel often overlaps with antisemitism. This is true in some cases. Antisemites can and do exploit Palestinian suffering to attack Jews collectively, deny Jewish history, or recycle older hatred. That danger must be confronted without hesitation. But the existence of antisemitic misuse does not invalidate legitimate criticism of Israeli state policy or legal structure. A responsible apartheid analysis must clearly distinguish Jews as people from the actions of the Israeli state, and must reject antisemitism while refusing to let accusations of antisemitism silence Palestinian rights.

The tenth objection is that apartheid is a conclusion reached by activists, not neutral experts. This objection has weakened as the term has been adopted by major human rights organizations, legal scholars, former officials, and Israeli and Palestinian rights groups. Of course, institutions can be criticized and reports can be contested. But the apartheid claim is no longer a fringe slogan. It is a serious legal and analytical framework that must be answered on the merits.

These objections are important because they reveal why the label is politically explosive. The debate is not only about facts. It is about what kind of state Israel is allowed to be, what kind of equality Palestinians may demand, and whether Jewish self-determination can be reconciled with a common civic order. The apartheid label forces these questions into the open.

11.4. Why terminology matters for accountability

Terminology matters because it determines the scale of the remedy. If the problem is described as discrimination, the remedy may be equal enforcement. If the problem is described as occupation, the remedy may be withdrawal from occupied territory. If the problem is described as conflict, the remedy may be negotiation. If the problem is described as humanitarian crisis, the remedy may be aid. If the problem is described as apartheid, the remedy is dismantling the regime of domination.

This does not mean that other terms are false. Discrimination, occupation, conflict, humanitarian crisis, annexation, siege, colonialism, persecution, ethnic cleansing, and war crimes may all describe parts of the reality. But apartheid identifies the structure that links many parts together. It says that inequality is not a malfunction within the system. It is the system's organizing logic.

Terminology also shapes legal obligation. Apartheid is a crime against humanity. If a state is committing apartheid, other states and institutions cannot treat the matter as a mere bilateral dispute. They have duties not to aid, assist, recognize, or normalize the maintenance of such a regime. They may face obligations around arms transfers, trade, diplomatic protection, corporate involvement, academic partnerships, and international accountability. Naming apartheid changes the legal and moral burden on outsiders.

This is why states resist the term. A government may tolerate criticism of settlement policy, excessive force, or discrimination because such criticism can be managed as policy disagreement. Apartheid is different. It says the regime itself is criminal. It threatens diplomatic normality. It raises the specter of sanctions, boycotts, prosecutions, divestment, and institutional isolation. It forces allies to explain not merely why they support Israel, but why they support a state accused of maintaining a crime against humanity.

Terminology also affects victims. To name apartheid validates the perception of those who live under the system. It tells Palestinians that their experience is not an accumulation of isolated humiliations but a coherent structure. It gives language to the child at a checkpoint, the family denied return, the village denied recognition, the citizen denied equal nationality, the prisoner held without trial, the couple unable to marry civilly, the farmer cut off from land, and the journalist barred from witnessing Gaza. The word connects them.

Naming can also protect memory. Systems of domination often survive by fragmenting the record. A demolition here, a permit denial there, a bombing elsewhere, a court case, a registry category, a family separation, a settlement road, a press ban. Without a structural term, the archive remains scattered. With a structural term, the archive becomes readable. Apartheid is a way of organizing memory against denial.

Terminology affects strategy as well. If apartheid is the problem, then reforms that leave group supremacy intact are insufficient. Better budgets for Palestinian towns, improved permits, court oversight, or limited easing of movement may reduce suffering, but they do not dismantle the hierarchy. The goal becomes equal political belonging, equal land rights, equal movement, equal civil status, equal nationality, equal protection, and equal human worth. The standard is not improved management of domination. The standard is its end.

The term also challenges false symmetry. Conflict language often presents two sides as if they possess comparable power. Apartheid language identifies domination. It does not deny that violence occurs on both sides, but it refuses to equate the violence of a stateless, occupied, fragmented, or besieged people with the institutional power of the state that controls land, borders, registries, airspace, military law, and international diplomacy. Accountability must be universal, but power is not symmetrical.

At the same time, terminology must remain disciplined. If apartheid is used carelessly, it can become a slogan detached from evidence. That would weaken the case and dishonor the seriousness of the crime. The word should be used because the structure warrants it, not because it shocks. Its force comes from precision, not exaggeration.

The central consequence of naming apartheid is that it removes innocence from complexity. It says that legal intricacy, historical trauma, religious identity, security danger, democratic procedures, and administrative variation cannot hide the basic structure of domination. Complexity may explain how the system works, but it cannot excuse what the system is.

This paper therefore uses apartheid as a term of analysis, not merely denunciation. The term makes visible the relationship between nationality law, constitutional hierarchy, land policy, personal-status law, Palestinian fragmentation, Gaza isolation, press restriction, and international denial. It gives a name to the system that partial visibility has exposed. Once named, the question is no longer whether the world can see. The question is whether the world will act as if seeing matters.

12. Conclusion: To See, To Name, To Challenge

The central argument of this paper is that apartheid in the modern age is not only a system of separation. It is also a system of managed visibility. It depends on law, classification, territory, public relations, security language, religious jurisdiction, land policy, and restricted observation. It survives by making inequality appear too complex to judge, too historically burdened to criticize, too legally fragmented to name, or too dangerous to reform. Its greatest defense is not always secrecy. Often its greatest defense is partial visibility: enough openness to claim

democracy, enough complexity to obscure hierarchy, enough access to show procedure, and enough restriction to prevent full accountability.

Israel illustrates this modern form with unusual clarity. It recognizes citizenship while denying common national belonging. It has courts while preserving constitutional hierarchy. It has elections while reserving national self-determination for one people. It has civil institutions while routing marriage through religious jurisdiction. It has identity documents and registries that distinguish citizens according to categories that are not merely personal but political. It has planning systems that turn national preference into geography. It has journalists, NGOs, and dissidents who expose the system, while their very existence is used to argue that the system cannot be oppressive. It has a public-relations vocabulary that translates domination into security, complexity, and historical necessity. And in Gaza, where visibility narrows most severely, it shows how restricted observation magnifies impunity.

To see this system clearly is already to challenge one of its central defenses. The system depends on fragmented perception. It wants the observer to see citizenship without nationality, security without occupation, religious law without civil inequality, land planning without dispossession, Gaza without blockade, military necessity without civilian ruin, and democracy without equal political belonging. The task of analysis is to reconnect what the system separates. Once the fragments are placed together, the structure becomes visible.

Visibility alone does not produce justice. The world has seen many crimes and allowed them to continue. But invisibility nearly always serves power. A hidden category cannot be contested by those who do not know it exists. A sealed territory cannot be judged fully by those who cannot enter it. A destroyed village, an unrecognized community, a blocked marriage, a denied nationality, a demolished home, a barred journalist, a refugee denied return, or a child killed without independent investigation can be turned into an isolated event unless it is seen within the larger architecture.

The final question, then, is not whether the world has enough information to begin judging. It does. The question is whether the world is willing to act on what visibility has already revealed.

12.1. Visibility as a condition of accountability

Accountability begins with visibility because power must first be made answerable to facts. A state can justify almost anything if it controls the description of events. It can call occupation security, demolition enforcement, settlement development, siege pressure, starvation logistics, bombing precision, and exclusion identity. The first task is to make the reality beneath the vocabulary visible. Without that, accountability is reduced to accepting the dominant power’s own language for its conduct.

Visibility does not require perfect knowledge. No political system is ever understood completely. No war is documented from every angle. No registry, court record, land file, or military archive yields itself all at once. But accountability does not require omniscience. It requires enough evidence to identify patterns, enough testimony to challenge denial, enough access to test claims, enough legal analysis to connect categories, and enough moral clarity to refuse euphemism.

In Israel and Palestine, visibility has accumulated over decades. Laws have been published. Court cases have been argued. Registry practices have been exposed. Palestinian citizens have spoken. Israeli dissidents have documented. Human rights organizations have mapped and investigated. Journalists have reported from cities, villages, checkpoints, courts, prisons, hospitals, ruins, and refugee camps. Satellite imagery, casualty records, planning documents, military orders, and survivor testimony have added to the record. The problem is not absence of evidence. The problem is the political refusal to interpret the evidence structurally.

Accountability requires seeing the system as a system. An unrecognized village is not only a planning issue. A blocked marriage is not only a religious issue. A nationality category is not only a registry issue. A settlement road is not only a transportation issue. A Gaza press ban is not only a security issue. A family denied return is not only an immigration issue. Each belongs to a wider order that distributes recognition, land, movement, and belonging unequally between Jews and Palestinians.

This is why visibility must be cumulative. The state and its defenders often prefer isolated debates because isolated debates can be managed. One can defend a single demolition, a single airstrike, a single law, a single checkpoint, a single court ruling, or a single settlement decision by invoking technical reasons. But apartheid is not proven or disproven by one event alone. It is a pattern of domination. To see it, the observer must connect law to land, land to movement, movement to citizenship, citizenship to nationality, nationality to constitutional hierarchy, and hierarchy to violence.

Visibility also requires listening to those whom the system renders suspect. Palestinian testimony is often treated as political before it is treated as human. Gaza's journalists are asked to prove their credibility while reporting under bombardment. Palestinian citizens are asked to prove loyalty before their equality claims are heard. Refugees are treated as demographic threats rather than dispossessed people. A regime of domination does not only restrict bodies. It ranks voices. Accountability must reverse that ranking.

The demand for visibility is therefore not a demand for voyeurism. It is not enough to watch suffering. Visibility must become recognition, and recognition must become responsibility. The camera, the legal brief, the testimony, the map, the registry extract, the satellite image, and the

court record all matter because they can force a question that power would rather avoid: who is being ruled, by whom, under what categories, and for whose benefit?

A visible injustice can still be ignored. But an invisible injustice can be erased. That is why visibility is the first condition of accountability, even though it is not the last.

12.2. The danger of hidden legal categories

Hidden legal categories are dangerous because they allow hierarchy to operate without appearing as hierarchy. They tell the state who belongs, who is exceptional, who is suspect, who may return, who may marry, who may build, who may live where, who may be recognized, and who may be denied. Yet because these categories are often buried in registries, statutes, military orders, planning maps, and court doctrines, they do not always appear in the public image of the state. The surface may show citizenship. The interior may show hierarchy.

The distinction between Israeli citizenship and Israeli nationality is the clearest example. To the outside world, an Israeli passport appears to resolve the question of belonging. To the internal legal order, the answer is more complicated. Israeli citizenship does not necessarily mean membership in a common Israeli nationality. Jewish nationality is aligned with the state's national purpose. Palestinian citizens possess citizenship but not equal ownership of that purpose. The category is not always visible on the surface, but it shapes the structure beneath.

Such categories matter because they define the political imagination. If all citizens are members of one civic nation, then equality is the organizing principle. If citizens are divided into different national, religious, or communal categories, and one category defines the state's national mission, then equality becomes conditional. The minority may be tolerated, represented, served, or protected in limited ways, but it is not equally sovereign.

Hidden categories also produce confusion that benefits the state. Critics must explain why citizenship is not enough, why nationality matters, why the population registry matters, why marriage law matters, why land planning matters, why the absence of civil marriage matters, and why a state can have courts and still preserve hierarchy. The explanation is necessarily detailed. The defense can be simpler: there are Arab citizens, they vote, courts exist, and the country is democratic. The hidden category makes the truth harder to summarize.

This asymmetry is one of the central advantages of bureaucratic domination. The system takes pages to explain, while denial takes a slogan. Yet serious analysis cannot accept the slogan. It must enter the administrative interior and ask what the categories do. Do they protect diversity within equality, or do they rank belonging? Do they allow people to define themselves, or do they impose the state's hierarchy upon them? Do they create common citizenship, or do they prevent common citizenship from becoming common nationhood?

Hidden categories also shape material outcomes. A registry category can affect marriage, family status, immigration, return, burial, recognition, and legal jurisdiction. A residency category can determine whether a person may live in a city of birth. A planning category can determine whether a home is legal. A security category can determine whether a person may travel, work, study, visit family, receive medical care, or leave Gaza. A land category can determine whether a village exists in law. Each category appears technical. Each can govern life.

The danger is intensified when categories are removed from public display but retained in institutional use. The visible document becomes cleaner. The database remains stratified. The state appears more civic while continuing to classify. This is modernity without equality: the old hierarchy is digitized, legalized, professionalized, and hidden behind administrative language.

To challenge such a system, hidden categories must be made public. They must be translated into ordinary moral language. A denied nationality must be understood as denied equal belonging. A religious marriage monopoly must be understood as denial of universal civil status. A planning refusal must be understood as spatial containment. A residency revocation must be understood as demographic engineering. A press ban must be understood as restricted accountability. A security file must be understood as a potential instrument of unreviewable power.

Hidden categories are where apartheid learns to survive after open supremacy becomes shameful. They are the modern equivalent of signs, passbooks, and racial registers, but made less visible and more defensible. The task is not only to oppose the violence that follows from them. It is to expose the categories before violence becomes inevitable.

12.3. Gaza as a warning about unseen power

Gaza is the warning that shows what happens when power becomes both overwhelming and insufficiently visible. It is not that Gaza is unseen in the ordinary sense. Images of Gaza have circulated across the world: ruined neighborhoods, grieving families, hospital corridors, mass displacement, children under rubble, tents, hunger, smoke, rubble, and exhausted journalists. Gaza is visible as spectacle, catastrophe, and moral wound. Yet it remains insufficiently visible as an independently observed political reality because access is restricted, journalists are killed, communications collapse, and official narratives compete with local testimony under conditions of extreme asymmetry.

This is the danger of partial sight. The world sees enough to be disturbed but not always enough to force accountability. It sees bodies but argues over numbers. It sees destruction but argues over targets. It sees famine conditions but argues over responsibility. It sees displacement but argues over intent. It sees journalists killed but argues over affiliation. It sees hospitals

destroyed but argues over military necessity. The narrowing of independent observation allows every fact to become a battlefield after the physical battlefield has already produced the dead.

Gaza also shows how invisibility is not only produced by censorship. It can be produced by danger, blockade, destroyed infrastructure, exhaustion, displacement, language barriers, distrust, propaganda, diplomatic protection, and the killing of witnesses. A territory can be saturated with cameras and still lack the conditions needed for full verification. The world may watch a livestreamed catastrophe and still fail to establish accountability because the institutions of verification are blocked or delayed.

Unseen power is especially dangerous when it is exercised by a state that claims legal and moral superiority. Israel's military and political leadership often frame actions in Gaza through law, precision, intelligence, and security. Some claims may be true in specific cases. But the broader problem is that the same power controlling access also asks to be trusted about what restricted access would verify. This reverses the logic of accountability. The actor under scrutiny becomes the gatekeeper of scrutiny.

Gaza warns that visibility must not depend on the permission of the party accused of abuse. Independent journalists, investigators, medical observers, humanitarian workers, forensic experts, and legal monitors must be able to enter and operate without being reduced to military guests or distant analysts. Local Palestinian journalists must be protected rather than treated as disposable substitutes for excluded foreign press. Archives must be preserved. The dead must be named. Evidence must be collected before rubble, displacement, and time erase it.

Gaza also warns against the moral danger of distance. When a population is sealed, starving, displaced, and bombed, outsiders may become accustomed to watching suffering without interrupting it. Repeated images can produce outrage, but they can also produce numbness. The spectacle of suffering can become another form of containment if it is not joined to political action. A world that watches but does not act becomes part of the architecture of impunity.

The warning extends beyond Gaza. Any state that can restrict visibility while using overwhelming force will be tempted to do so. Any dominant power that can discredit local witnesses will be tempted to attack their credibility. Any government that can invoke security to delay investigation will be tempted to make delay permanent. Gaza is a case, but it is also a precedent. The norms established there will not remain there.

For the argument of this paper, Gaza is the place where the politics of visibility becomes most urgent. Inside Israel, legal hierarchy can be exposed through courts, registries, rights reports, and public debate. In Gaza, the question is more basic: can the people being killed, displaced, and confined be seen clearly enough to be believed? If the answer is no, then impunity will

grow not because the world lacks images, but because it lacks the will and access to turn images into judgment.

Gaza therefore transforms the paper's central claim into a moral imperative. To see is not enough, but refusing to see is complicity. To document is not enough, but obstructing documentation is a warning sign of criminal power. To name the dead is not enough, but reducing them to disputed numbers is a second erasure. Gaza teaches that domination reaches its most dangerous form when it controls not only territory, but the conditions under which truth about that territory can be known.

12.4. The future of equal citizenship and common political belonging

The alternative to apartheid is not revenge, expulsion, permanent fear, or reversed supremacy. The alternative is equal political belonging. This is the principle that cuts through the complexity of the Israeli-Palestinian question: every person living under the power of the state must possess equal rights, equal protection, equal civil status, equal movement, equal access to land and law, and equal standing in the political order that governs life. No group's safety can be built on another group's permanent subordination. No people's national story can justify another people's erasure.

Equal citizenship would require more than improved minority budgets or softer rhetoric. It would require a transformation in the state's constitutional imagination. The state would have to belong equally to all its citizens rather than nationally to Jews alone. Jewish history, culture, language, memory, and safety could still be protected, but they could not be protected through exclusive supremacy. Palestinian citizens would have to be recognized not as guests, anomalies, demographic concerns, or tolerated minorities, but as equal co-owners of the political community.

Common political belonging would also require universal civil status. Marriage, family recognition, divorce, and personal life must be available through a common civil framework for all citizens, regardless of religion, ethnicity, gender, sexuality, conversion status, or communal classification. Religious marriage could remain for those who desire it, but it could not monopolize legal status. The citizen must be able to stand before the state as a citizen before being routed through a religious category.

Land equality would be indispensable. No future of equal belonging can exist while one group's settlement is treated as national fulfillment and another group's development is treated as a problem. Palestinian towns, villages, Bedouin communities, mixed cities, and refugee claims must be addressed not as administrative burdens but as questions of justice. Recognition, planning, housing, infrastructure, and return are not technical matters alone. They are the geography of equality.

In the occupied territories, equal belonging would require ending military domination, settlement supremacy, movement control, and the fragmentation of Palestinians into disconnected legal statuses. Whether the eventual political form is one state, two states, confederation, federation, binational arrangement, or another structure, the standard must be equality. A flag, border, or diplomatic formula is insufficient if domination remains. The institutional design matters less than the principle that no population may be permanently governed without equal rights.

For Gaza, the minimum future begins with visibility, survival, reconstruction, and freedom from collective punishment. A population cannot deliberate about political futures while starving, displaced, bombed, blockaded, and denied independent observation. Gaza must be made livable, accessible to journalists and investigators, open to humanitarian reconstruction, and connected to a political future in which its people are not treated as a disposable security problem. Equal belonging cannot coexist with a sealed enclave of permanent human desperation.

For refugees, the question of return cannot be erased by administrative convenience. The denial of Palestinian return is one of the foundations of the present hierarchy, just as Jewish return is one of the foundations of Israel's national identity. Any just future must confront this asymmetry honestly. Solutions may be complex and negotiated, but the moral claim cannot be dismissed as a demographic threat. A people expelled or displaced cannot be told that another people's national restoration permanently cancels their own.

Equal belonging also requires a change in international behavior. States that arm, fund, shield, trade with, or diplomatically protect a regime of domination cannot claim neutrality. Universities, corporations, churches, cultural institutions, and civil society organizations must ask whether their relationships normalize inequality. The lesson of South Africa is not that every tactic must be copied mechanically. It is that international complicity matters and can be challenged.

The future will also require Jewish and Palestinian moral courage. Jews must be able to defend Jewish safety without defending Jewish supremacy. Palestinians must be able to demand liberation without denying Jewish humanity or historical connection. Both peoples must resist leaders and movements that transform trauma into permission for domination. Equal belonging is not sentimental reconciliation. It is a hard political structure built against fear, revenge, and mythic exclusivity.

The final standard is simple even when the path is difficult. A child born Jewish in Tel Aviv, a Palestinian citizen born in Nazareth, a Bedouin child born in an unrecognized village, a Palestinian child born in Gaza, a child born in a West Bank refugee camp, and a Jewish child

born in the diaspora must not be assigned different levels of human worth by law. The state, or states, governing the land must not treat one as naturally sovereign and another as conditionally tolerated. The future must end the hierarchy of belonging.

This paper began with visibility because no such future is possible without seeing the present clearly. The system must be seen in its laws, maps, registries, courts, marriages, borders, checkpoints, settlements, ruins, press restrictions, and public-relations language. It must be named not to shock, but to clarify. It must be challenged not because one people should defeat another, but because no political order built on permanent inequality can be legitimate.

To see, to name, and to challenge: these are not separate acts. They are stages of the same responsibility. Seeing breaks denial. Naming breaks confusion. Challenging breaks the false peace of managed injustice. The work remains unfinished, but the structure is no longer hidden. That is why the struggle over visibility is also the struggle over the future.

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